DRAFT MITIGATED NEGATIVE DECLARATION

Date of this Notice:	January 3, 2006
Lead Agency:	City of Fremont Planning Division 39550 Liberty Street P.O. Box 5006 Fremont, CA 94538
Project Title:	St. Joseph's Church Project
Project Sponsor:	St. Joseph Catholic Church
Contact Person:	Nancy Minicucci, Associate Planner
Telephone:	Phone: 510.494.4476 Fax: 510.494.4457
Project Address:	43148 Mission Boulevard
Assessor's Parcel Number:	513-401-69; 513-401-20.2; 513-401-22; 513-04010-7200; 513-04010-22a; 513-04010-2002; 513-04010-2003
City and County:	Fremont, Alameda County
Project Sponsor:	Tony Mirenda
Sponsor Address:	1960 The Alameda, Suite 20 San Jose, CA 95126

Project Description: The St. Joseph's Church parish proposes to demolish an existing 3,890-square foot (sf) rectory and to construct a new 850-seat church in its place; to construct a new 4,375-sf rectory (only footprint evaluated), retention of existing PHR (Carriage House), and to realign St. Joseph's Terrace (also known as Monticello Terrace), a private roadway that traverses the site. The project would require a new curb cut and driveway to provide site access and would develop 71 new onsite surface parking spaces. The project proposes to underground of utilities, to retain and enhance onsite landscaping, and to provide pedestrian amenities including a public plaza fronting Mission Boulevard.

Application to Consider:	Planned District Major Amendment, Preliminary Grading Plan, and Private Street Application

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS NOT REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the following reasons, as documented in the Initial Study for the project, which is attached.

The project applicant has agreed to mitigation measures included in this project to avoid potentially significant effects. With adoption of the proposed mitigation measures, this project could not have a significant effect on the environment and an environmental impact report is not required.

Initial Study/Preliminary Mitigated Negative Declaration Issued on: January 3, 2006.

In the independent judgment of the City of Fremont, there is no substantial evidence that the project, incorporated with the proposed mitigation measures, could have a significant effect on the environment.

Nancy Minicucci, Associate Planner

ST. JOSEPH'S CHURCH PROJECT

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM

Project Title: St. Joseph's Church Project

Lead Agency Name and Address: City of Fremont
Development and Environmental Services Division
39550 Liberty Street
Fremont, CA 94538

Contact Person and Phone Number: Nancy Minicucci, Associate Planner
Telephone No.: 510.494.4476
Fax No: 510.494.4437

Project Location: 43148 Mission Boulevard
Fremont, California, 94539

Assessor's Parcel Numbers: 513-401-69; 513-401-20.2; 513-401-22; 513-04010-7200; 513-04010-22a; 513-04010-2002; 513-04010-2003

Project Sponsor's Name and Address: St. Joseph's Catholic Church
43148 Mission Boulevard
Fremont, CA 94539

General Plan Designation: Institutional; Historic Overlay, Primary Historic Resource

Zoning: Planned District (P) (Mission San Jose East) with Historic (H) and Hillside Combining Overlay Districts (H-1), Community Commercial (Underlying)

Description of Project: See attached *Project Description*

Surrounding Land Uses and Setting: See attached *Project Description*

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): See attached *Project Description*

SETTING

SITE LOCATION AND ONSITE LAND USES

The project site is located in the City of Fremont within the Mission San Jose (East) Planned District on the eastern side of Mission Boulevard. The 13.27-acre site is bounded roughly by Mission Boulevard (State Route 238 or "SR 238") to the west, Mission Creek to the north, the Dominican Sisters complex to the east, and Mission San Jose to the south, which is part of St. Joseph's Church (see **Figure 1**, Project Site Location). The site is bisected by St. Joseph's Terrace (also known as Monticello Terrace), a private two-lane road that is landscaped with a row of palm trees running down its center (an *alameda*).

The Mission San Jose (East) Planned District encompasses the area around the historic Mission San Jose at the intersection of Mission and Washington Boulevards just south of the project site, the oldest continuously settled area in the City of Fremont. Mission San Jose was founded on June 11, 1797 by Friar Fermin Francisco de Lasuen, Order of Franciscan Minors (OFM). Fr. Fermin was the second President of the California Missions; he succeeded Fr. Junipero Serra, OFM. Mission San Jose was the fourteenth of 21 California Missions that were developed along Alta California's *El Camino Real* (or "Royal Highway") from San Diego to Solano, and the only Mission established in the East Bay. During the Gold Rush era, Mission San Jose became a thriving center of trade. The area's existing semi-rural land use pattern remains similar to its earlier days with commercial and residential activity focused on the west side of Mission Boulevard and large, widely spaced buildings set against open grassy hillsides east of Mission Boulevard.

The project site is currently occupied with 17 buildings that include an existing church/hall, a rectory (and associated 2-car garage), a carriage house that serves as the church office, three St. Joseph School buildings (grades 1-8), and nine small buildings for maintenance, storage, and former dwellings, which are now vacant.

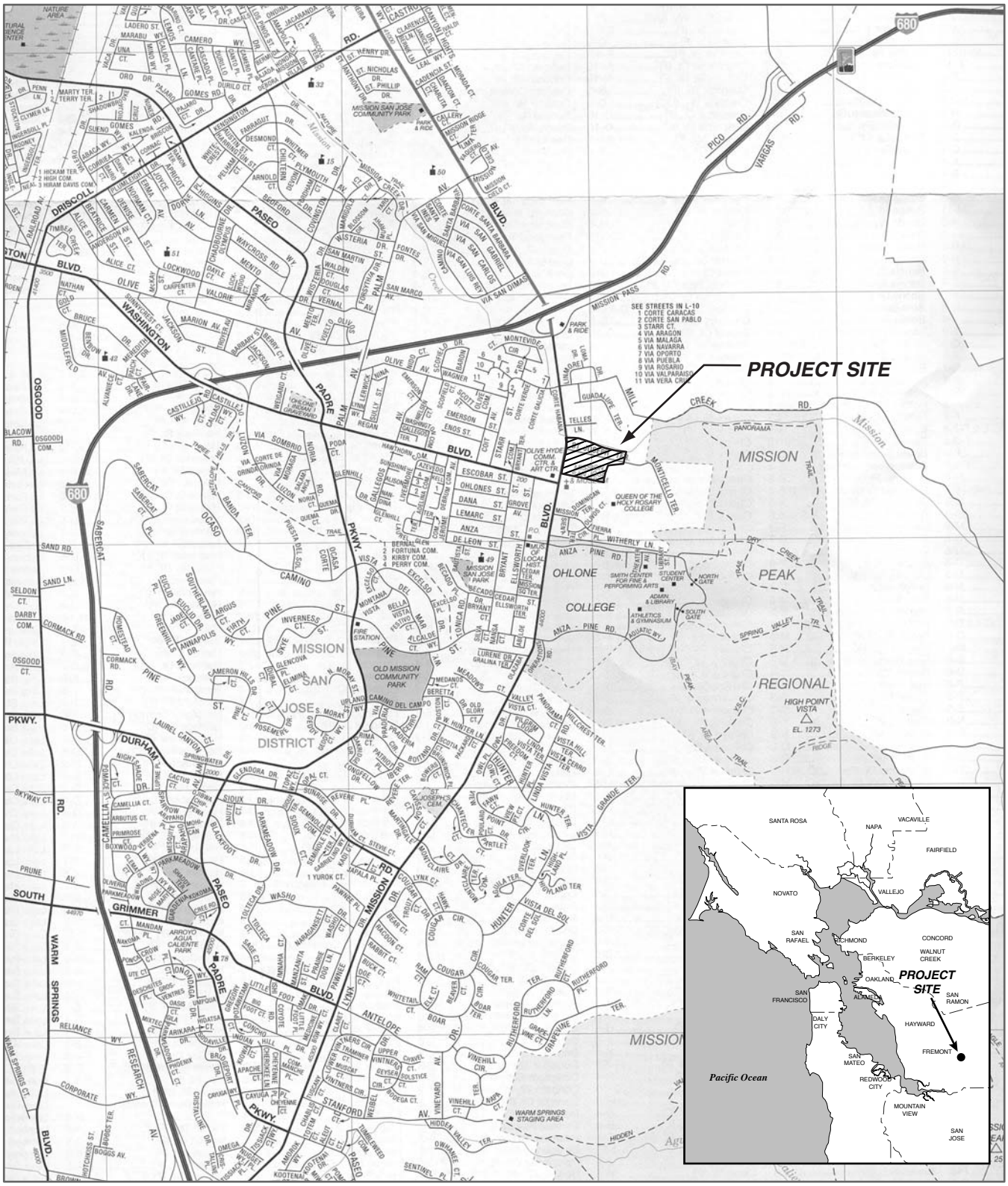
Table 1 provides a summary of project site land uses and their respective square footages.

TABLE 1
EXISTING LAND USES AND SQUARE FOOTAGES

Building	Square Footage
Existing church/hall (future parish offices)	19,623 sf
School	11,651 sf
Rectory	3,890 sf
Two-car Garage	970 sf
Carriage House	3,373 sf
Total	39,507 sf
Totals	
Project Site	578,109 (13.27 acres)
Existing FAR[1]	~0.07

SOURCE: TSG Architects, 2004.

[1] Floor Area Ratio, or FAR, is a ratio of the total built space on a site relative to the site's overall area.



SOURCE: Environmental Science Associates

St. Joseph's Chruch / 204069 ■

Figure 1
Project Site Location

Onsite buildings are oriented toward Mission Boulevard and are clustered around St. Joseph's Terrace (see **Figure 2**, Existing Site Plan). The existing church/hall (future parish offices), school, maintenance buildings and vacant dwellings are located to the south of St. Joseph's Terrace, with the rectory, its garage, and the carriage house situated to its north. The existing church/hall (future parish offices) fronts Mission Boulevard and represents the central focus of the site.

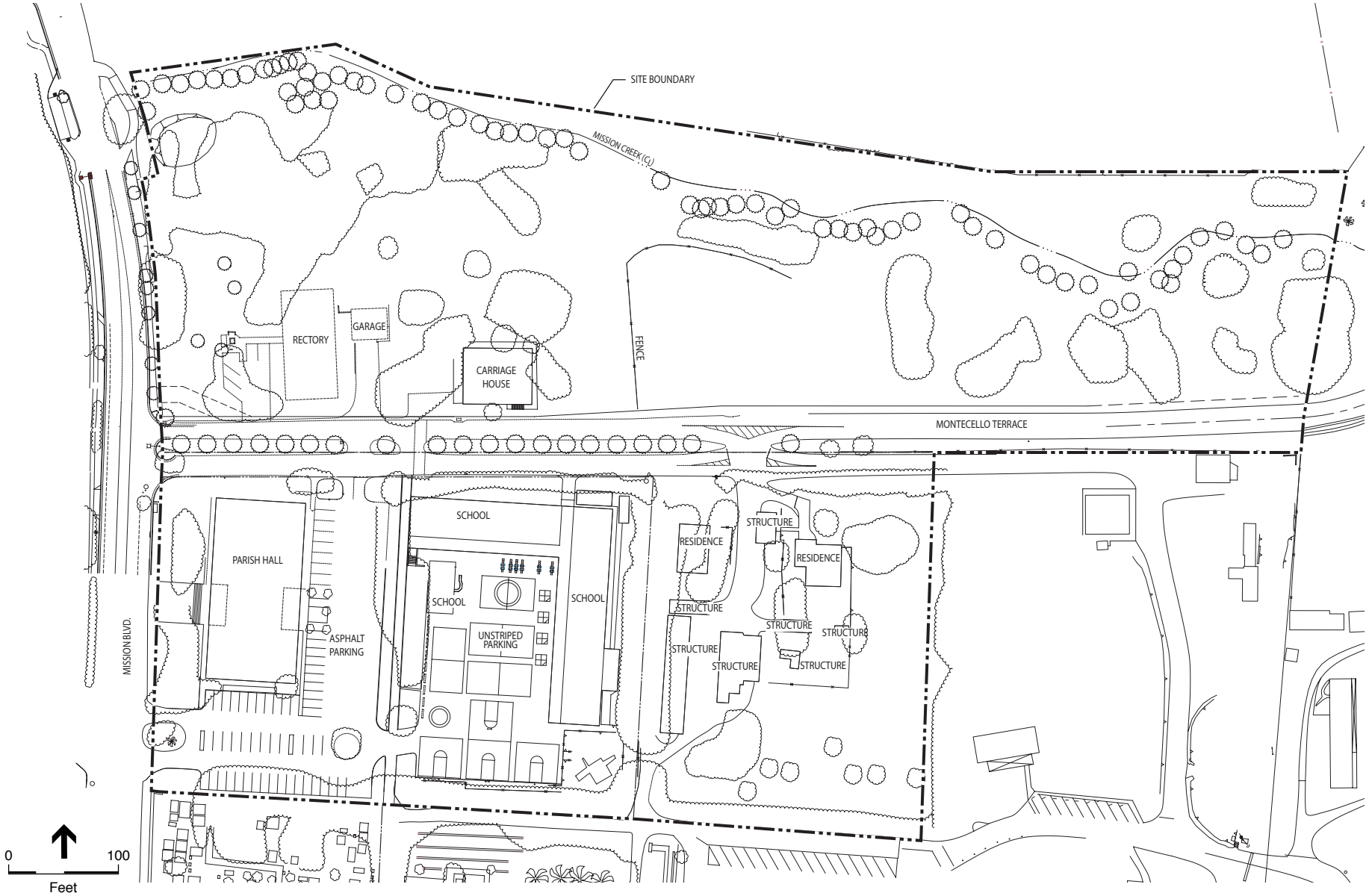
The remaining uses are setback from Mission Boulevard in varying degrees. The three school buildings are directly east of and are concealed from Mission Boulevard by the existing church/hall (future parish offices). The nine maintenance and former Dominican Sisters dwellings, which include two houses, a Quonset hut, a maintenance building, and several small sheds and are situated to the east of the school. Like the existing church/hall (future parish offices), the rectory also fronts Mission Boulevard, but is setback farther from the road and is not as visually prominent (see **Figure 3**, Aerial View of Project Site and Vicinity). The garage and carriage house sit east of the rectory and are not readily visible from Mission Boulevard.

Most of the buildings on the project site, including the existing church/hall (future parish offices), rectory, and school, exhibit characteristics of the Spanish Eclectic architectural style with simple, one-story, rectilinear massing, beige stucco siding, and low-pitched, side-gabled roofs with terra cotta Mission tiles. The buildings also feature wide overhanging eaves with exposed rafters, colonnaded porches along front facades, and casement windows. The carriage house, which is older than the other buildings, contains architectural features that are more Folk Victorian in style, characterized by irregular massing and a hipped roof with several gables. The carriage house is sided with vertical board and battens and contains several covered porches, both on the ground floor and the on the second-story. The carriage house, likely built in the 1880s, appears to have been altered from its original design.

Other existing site features include a surface parking lot with 128 spaces for the existing church/hall (future parish offices) and school, an asphalt playground (used as unstriped surface parking during non-school hours), and soccer and baseball fields. A large portion of the site on the northern side of St. Joseph's Terrace, east of the carriage house, is undeveloped land heavily vegetated with avocado, olive, and palm trees. Mission Creek is a small tributary of the Laguna Creek watershed that demarcates the northern boundary of the site; portions of the creek are lined and reinforced with concrete.

SURROUNDING LAND USES

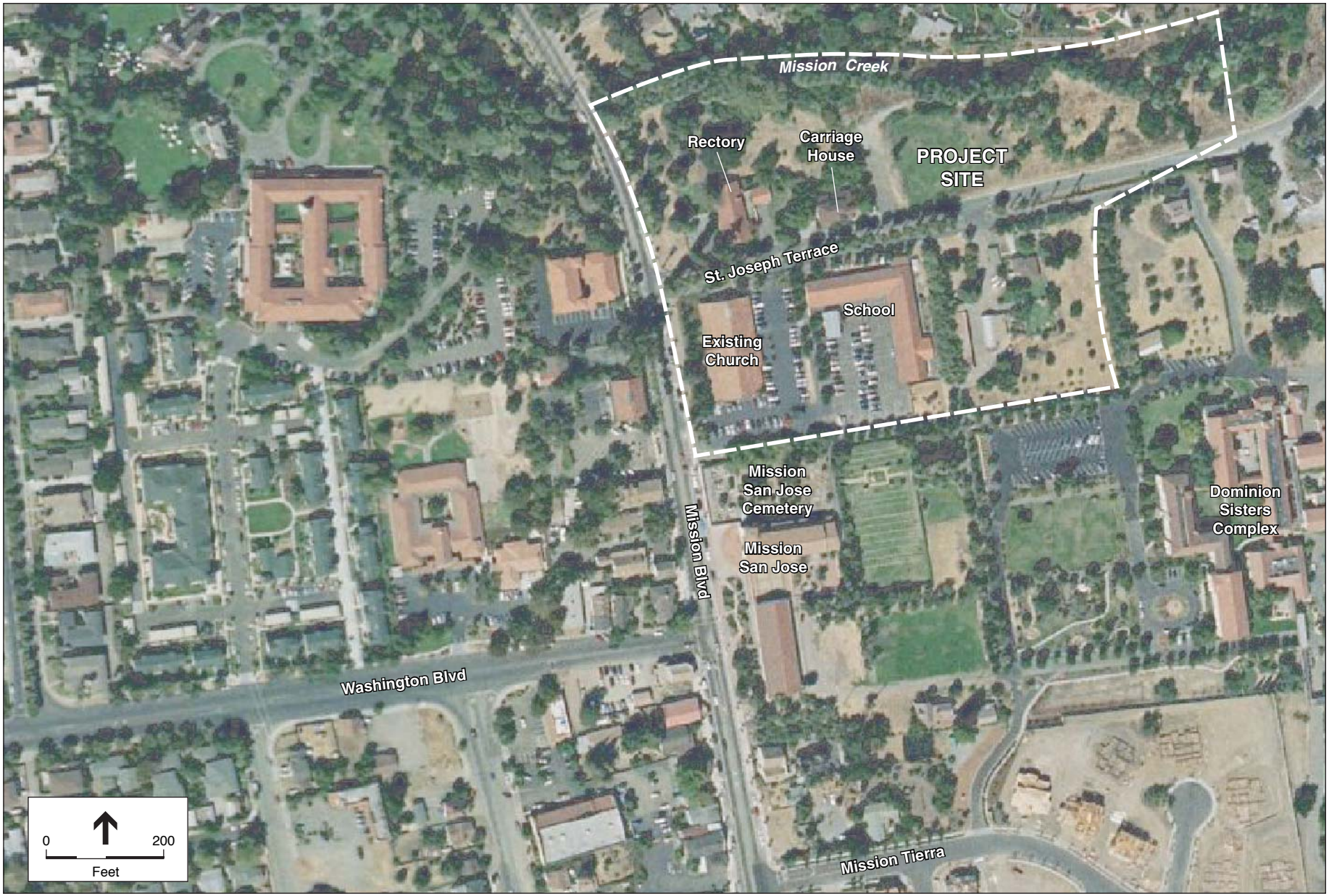
The Mission San Jose Planned District study area centers on Mission Boulevard between the pedestrian bridge that crosses Mission Creek to the site's north and Anza Street to the south. Within the study area, Mission Boulevard may be characterized as a wide boulevard with narrow setbacks. Its west side contains a dense clustering of small-scale commercial buildings ranging from one- to two-stories in height that in many ways resemble homes more than commercial establishments. Its east side is more sparsely developed than the west, and the buildings— consistent with their institutional uses— are larger in scale and massing. Mission Boulevard is lined with gas lamp-style street lights and landscaped with small trees along its sidewalks; larger trees, such as palms, are scattered intermittently in orderly rows, setback further from the road. Palms also line the western side of Mission Boulevard in front of the office complex, and along both sides of the street along the footbridges over Mission Creek, acting as a visual gateway to the historic Mission San Jose District.



SOURCE: The Steinberg Group, 2004

St. Joseph's Church / 204069 ■

Figure 2
Existing Site Plan



SOURCES: GlobeXplorer, Environmental Science Associates, 2004

Figure 3
Aerial View of Project Site and Surrounding Area

The project setting is dominated by the presence of the Mission San Jose, which abuts the project site to the south. The Mission complex, a State of California Historic Landmark, includes the historic Mission building, an adjacent museum, and a cemetery. The Mission's white adobe buildings are set in stark contrast to other buildings that line Mission Boulevard, which are generally painted in subtle, earthy tones (e.g., cream and ocher). Building scale and street orientation also contribute to the Mission's strong visual presence in the area. The Mission is a two-story building with a low-pitched gable roof perpendicular to the street. It also contains a tall bell tower attached to the northern corner of its front facade. The adjacent museum is a shorter, one-story building with a low-pitched gabled roof; a long, rectilinear massing; and a shallow setback from Mission Boulevard. This complex is further accentuated by a landscaped entry plaza. The combined effect of the Mission's tall facade and the adjacent museum's broad length, public gathering spaces, and landscaping make the complex visually prominent along Mission Boulevard.

Other uses along Mission Boulevard, particularly on its western side between Washington Boulevard and Witherly Lane, lend a village "Main Street" feeling to the area. The one- to two-story, free-standing structures contain characteristics of the Victorian architectural vernacular, and house neighborhood commercial uses such as hair stylists, florists, coffee and sandwich shops, art galleries, and photography studios. Lord Bradley's, a City of Fremont Primary Historic Resource, is located on the eastern side of Mission Boulevard, directly south of the Mission San Jose. It is a bed and breakfast in a large two-story Victorian building that is known historically as the Second Washington Hotel, and was once the rectory for Mission San Jose (although it has been moved from its original location).

Office uses are concentrated in the Mission San Jose Professional Plaza, across the street from the project site. The land along Mission Boulevard south of Witherly Lane is currently sparsely developed, but is planned for future mixed-use development. The Mission Tierra neighborhood is a new subdivision of 33 homes that has been recently completed in an area just off of Mission Boulevard to the east. Plaza Los Olivos is a commercial development planned for the east side of Mission Boulevard that would contain approximately 20,500 square feet (sf) of office and retail space. Mixed-use development is also planned for the west side of Mission Boulevard, near Anza Street, on currently undeveloped land.

Ohlone Community College marks the southern boundary of the study area. The 534-acre hillside campus is located at the southeast corner of Mission Boulevard and Anza Street, and provides trailhead access to the adjacent Mission Peak Regional Preserve.

PROJECT DESCRIPTION

St. Joseph Parish proposes to demolish its existing rectory and two-car garage fronting Mission Boulevard and to construct a new 850-seat church in its place, a new rectory, parking lot, a plaza and pedestrian walkway, introduce new vehicle circulation, and install new landscaping. Constructed 1965, the existing church is the fifth facility at the site and currently serves a community of approximately 3,100 parishioners. The existing sanctuary, located within the existing church/hall (future parish offices), seats about 700 parishioners.

The project, described in detail below, would occur in three phases.

PHASE 1: MONTICELLO TERRACE

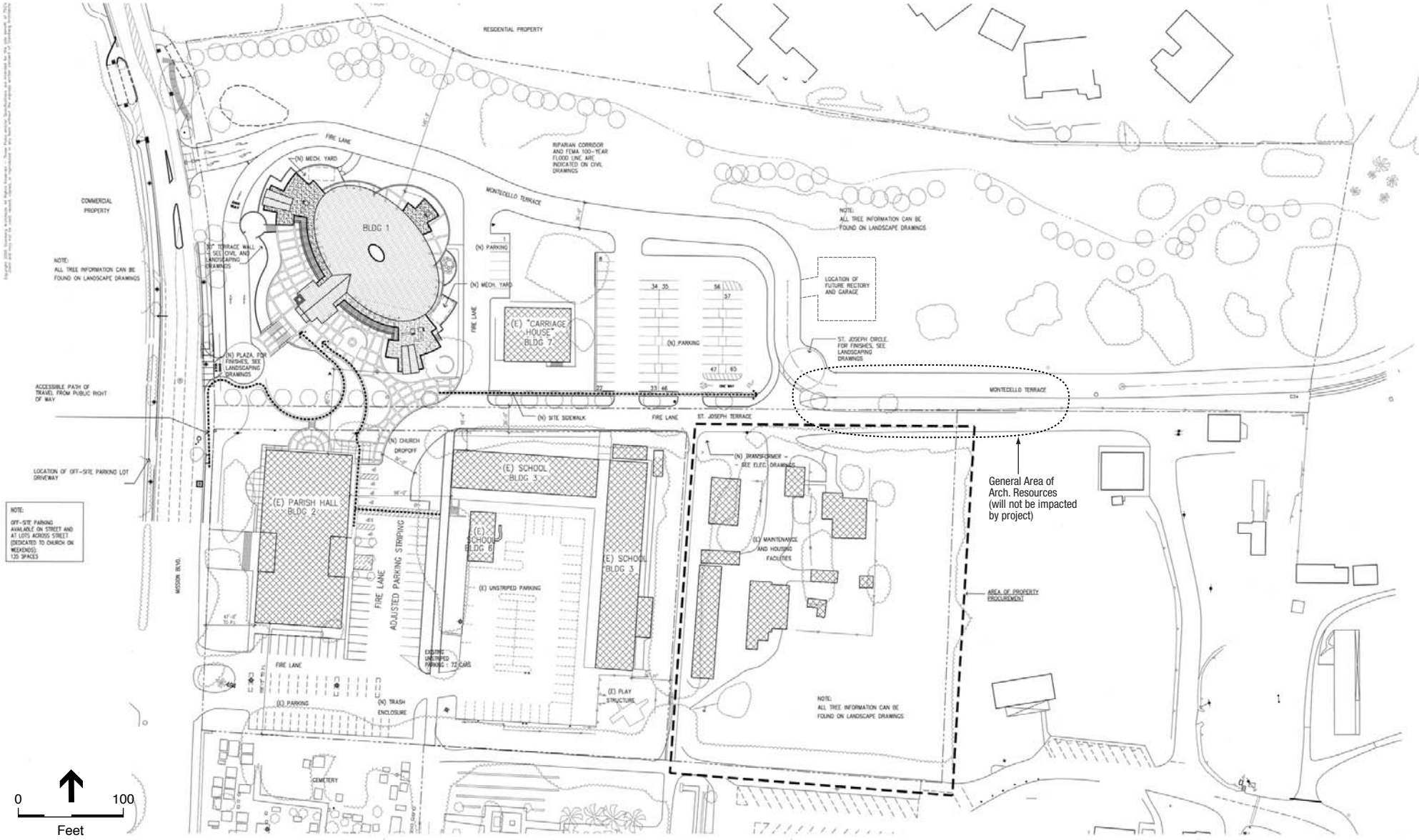
Prior to construction of the new church, the applicant proposes to construct a new roadway segment and driveways to facilitate onsite circulation. St. Joseph Terrace (see **Figure 2**, Existing Site Plan) now traversing the site would be renamed to Monticello Terrace, and would be reconfigured to accommodate separate ingress and egress. The exit would be relocated to the north, and the site entry located to the south as an entry plaza in front of the proposed the church.

Vehicles would enter the site from Mission Boulevard at a new driveway roughly 20 feet north of the existing St. Joseph's Terrace. The two-lane ingress driveway would include a circular entry plaza and would merge into one lane as it intersects with Monticello Terrace along the north side of the church (see **Figure 2**, Existing Site Plan, and **Figure 4**, Proposed Site Plan). The new Monticello Terrace roadway segment would generally follow the site's northern property line, set back between 10- and 80-feet from the edge of the riparian corridor south of Mission Creek. It would extend approximately 500-feet to the east and then veer to the south to connect to the existing Monticello Terrace segment that continues eastward and provides access to the Dominican Sisters complex and adjacent residential uses.

Vehicles would exit from the site at a proposed new driveway that would be located approximately 100-feet south of the project site's northern property line. The outbound driveway would have designated left- and right-turn lanes onto Mission Boulevard. The existing driveway and approximately 170-feet of the existing St. Joseph Terrace roadway segment extending east from Mission Boulevard would be abandoned.

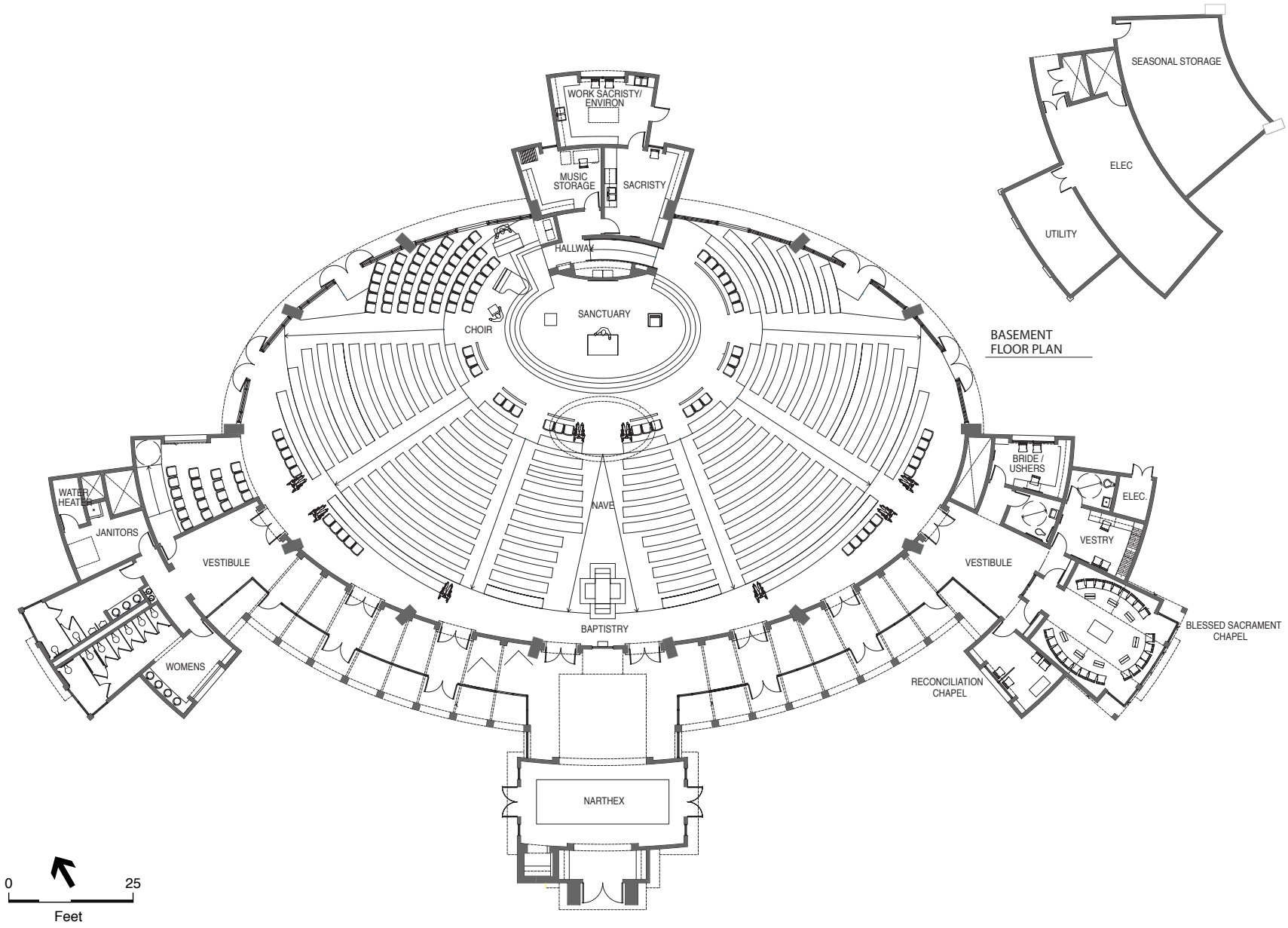
PHASE 2: ST. JOSEPH CHURCH

Phase 2 of the project would entail construction of the proposed church. The new St. Joseph's Church would be elliptical in design with its front entrance facing southwest. The new church would provide a central worship space with approximately 850 seats and would contain 18,077 sf of enclosed space, including 16,960 sf on the main level and 1,117 sf in a basement (see **Figure 5**, Church Floor Plan). The interior church spaces would consist of a narthex (an entrance hall leading to the baptistery and nave); pews organized in semi-circular rows oriented to the church's sanctuary; a choir section and a small hallway directly behind the sanctuary leading to a music storage room and sacristy (the area around the alter). From the nave, a semi-circular hallway would connect the church's main seating area to two protruding bays on either side; on the northwest, the hallway would open onto a vestibule that would connect to restrooms, a janitor's closet/utility space, and a parent seating area. On the southeast, the hallway would open on to a vestibule that would connect to two chapels, the *Reconciliation Chapel* and the *Blessed Sacrament Chapel.* The church's southwestern bay would also include a bride/usher's room, a mechanical closet, and restrooms. The proposed 1,117-sf basement would provide space for the church's mechanical, electrical and lighting systems.



SOURCE: The Steinberg Group, 2004

Figure 4
Proposed Site Plan



SOURCE: The Steinberg Group, 2004

Figure 5
Church Floor Plan

PHASE 3: FUTURE RECTORY

Upon completion of the new roadway segment and church, Phase 3 of the project would include the construction of a new rectory about 550-feet east of its current location.[2] The applicant would grade the site and lay the foundation for the rectory's building pad, which would be at an elevation of approximately 335 feet above mean sea level (msl).[3] The proposed 4,375-sf single-story rectory would be used as a parsonage home and benefice, similar to its existing use on the project site.[4] The rectory would also include a garage, accessible from Monticello Terrace.

Table 2 illustrates the proposed uses on the project site, their associated square footages, and the resulting FAR. The project's new FAR would be 1:0.0912. In total, the project would increase the overall square footage on the site by 17,592 sf.

TABLE 2
PROPOSED LAND USES AND SQUARE FOOTAGES

Building	Square Footage (sf)
Church (new)	+18,077 sf
Existing church/hall (future parish offices) (no change)	19,623 sf
School (no change)	11,651 sf
Rectory (future new)	4,375 sf
Carriage House (no change)	3,373 sf
Total	57,099 sf (change +17,592 sf)
Totals	
Project Site	578,109 (13.27 acres)
New FAR	~0.09

SOURCE: TSG Architects, 2004.

ARCHITECTURAL DESIGN

According to project plans submitted by the applicant's architect, the single-story church would have a mission style character with off-white painted concrete walls, an open colonnade along its southwest exposure, exposed wood timber trellises and a red clay tile roof. The roof would be a rounded, sloping, dome-like structure and contain a skylight in its center. The main entrance of the new church would have an arched doorway, painted concrete exterior walls, exposed wood rafters at the roof overhang, and a low steeple. The church's facade would include a window system with clear glass panes and stained glass

[2] It should be noted that at the time environmental review for this project commenced, specific design details of the proposed rectory were not known. Figure 4, Proposed Site Plan, illustrates the proposed location of the rectory, which for purposes of this Initial Study is considered sufficient to determine any potential adverse environmental effects associated with the construction and operation of such a use.

[3] Spot elevations on the site are referenced to City of Fremont benchmark datum point located in Mission Boulevard at an elevation of 299.383 feet msl.

[4] Because the design of the rectory has not yet been finalized, the stated square footage refers to the area of the future rectory's foot print, which may not reflect the actual habitable area.

accents. The church would be set back approximately 50 feet from the property line on Mission Boulevard along its northwest bay and approximately 90 feet from the property line at its main entry. The church would have a height of 16 feet to its eaves, approximately 36 feet to the top of its roof, and 44 feet to the top of its tower (see **Figure 6**, Elevations, and **Figure 7**, Sections).

LANDSCAPING AND PEDESTRIAN AMENITIES

The project would develop an historic-based pedestrian entry including a plaza in front of the church. The church's main entrance would be surrounded by a paved and landscaped plaza. Broad steps would lead from the plaza up to the main church entry. The plaza would link the sidewalk along Mission Boulevard to pedestrian pathways leading to the site's interior. Pedestrian access from the public sidewalk would follow the circumference of the entry driveway plaza. The proposed plaza would preserve the row of historic palm trees from St. Joseph Terrace as well as include transplanted olive trees from other portions of the site, and include some Early American plant materials near the plaza entry.

The project also proposes extensive landscaping in the proposed plaza area, in and around onsite surface parking lots, and along the site's perimeter adjacent to Mission Creek. The proposed project would protect existing tree resources on the site, including existing Canary Island palms, Mexican palms and California fan palms; and olive, avocado, and coast live oak trees. Based on the project site plans for the proposed project, 81 existing onsite trees would be removed and 18 trees would be transplanted. As further discussed in Section 4 Biological Resources, the applicant agrees to tree preservation measures as part of the project that would be in place prior to commencement of demolition, grading and construction activities and maintained throughout the construction period. Additional landscaping onsite landscaping would consist of new lawn and ground cover adjacent to the proposed church and onsite roadways.

PARKING AND CIRCULATION

The project would construct a total of 65 new parking spaces. Seven parking spaces would be located east of the proposed church, north of the carriage house. Fifty-eight spaces would be located on the site of an existing field in a new parking lot east of the carriage house that would serve the church and other onsite uses. The project would retain the existing 128 parking spaces on the site, which are located to the south and east of the rectory and on the blacktop in front of the St. Joseph's School buildings. At the project completion, a total of 193 parking spaces would be available onsite.

The City of Fremont requires one parking space for every five seats in a church sanctuary. The proposed sanctuary is 850 seats, thus requiring 170 parking spaces. In addition, the future parish offices include 4,356 square feet (sf) of assembly space, and 15,267 sf of office space. The City requires one space for every 100 sf of assembly space and one space for every 300 sf of office space. Thus the future parish offices would require a total of 95 parking spaces (44 for the assembly space and 51 for the office space). The proposed project would require a total of 265 spaces.

Across from the church on Mission Boulevard is a City parking lot which the church uses under an agreement from the City, as well as additional private spaces in office lots. Currently these areas are used to capacity during the peak Sunday masses. The church would still have access to the City lot across the

street. There are approximately 135 off site parking spaces available on Sundays, for a total of 328 parking spaces.

The project would also establish a new drop-off area for the proposed church. The drop-off zone would be located along the internal road south of proposed sanctuary entrance. On-street parking would be prohibited along Monticello Terrace to allow for unimpeded access for emergency vehicles.

GRADING

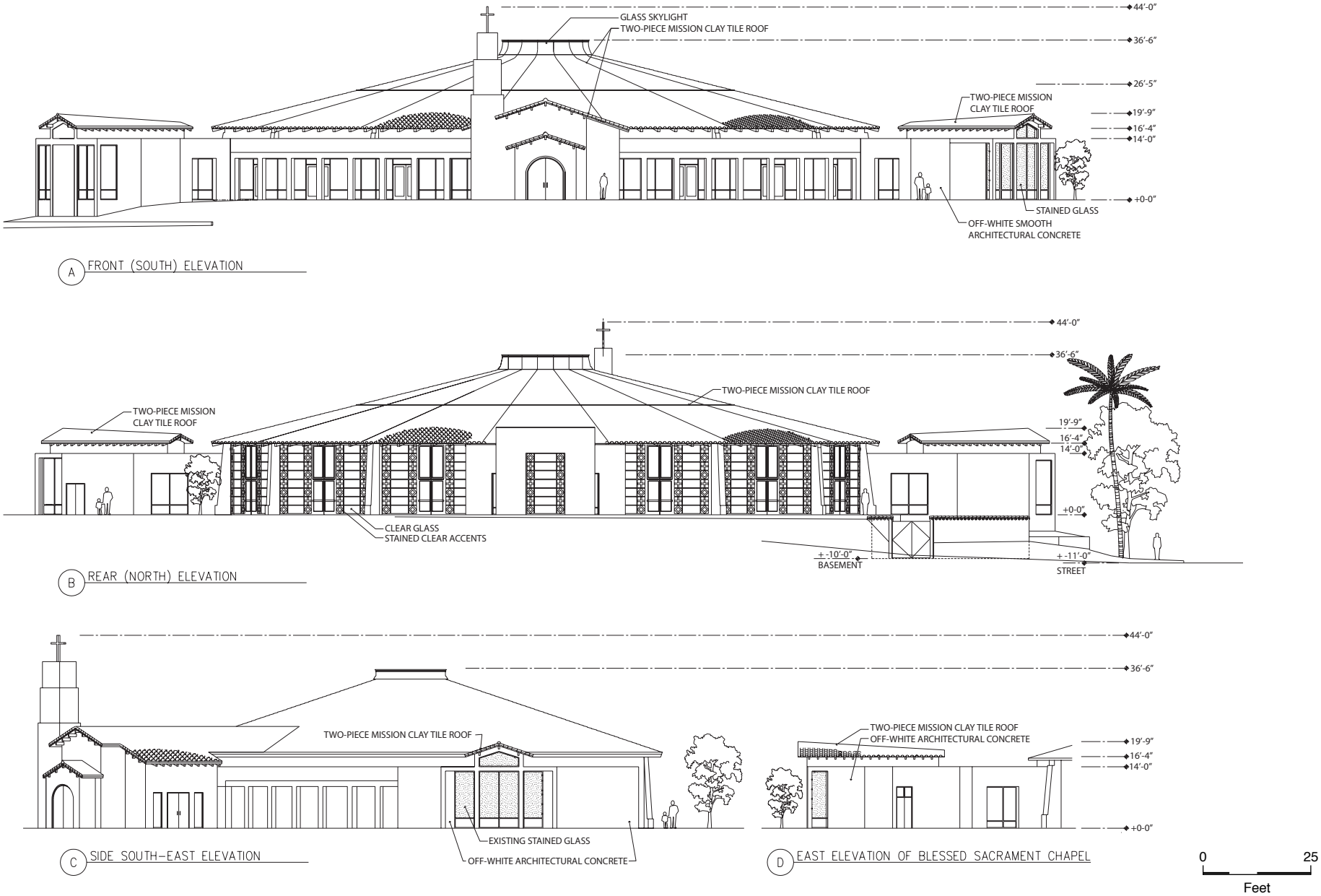
The topography in the area of the proposed project dips towards the west at a slope of approximately 3 to 5 percent on the western side of the project and 10 percent on the eastern side of the project. The former rectory site would be filled and graded in preparation for construction of the proposed church. Approximately 3,684 cubic yards of fill would be imported to the site. A 330-foot-long semi-circular retaining wall would be constructed around the northwest side of the proposed church. The finished building pad elevation would be 315 feet asl, 8 feet above grade. As required by local grading requirements, the exterior grading would be limited to three to one ratio slopes (some limited exceptions exist where in conflict with other City requirements (i.e., other project mitigation)).

The project would alter the drainage pattern of the site by introducing an area of impervious surfaces with the construction of the church building and access road. In addition, the proposed parking lot, although it would be constructed as a pervious surface, would include a catch basin to drain into the proposed bioswale along the access road.[5]

PLANS AND POLICIES

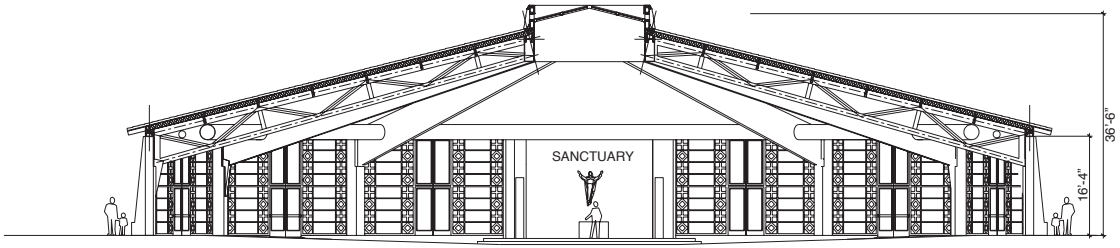
The proposed project would be subject to the policies of the Fremont General Plan, the zoning ordinance of the Fremont Municipal Code (Title VIII, Chapter 2), and policies and objectives contained within the General Plan for the Hill Planning Area. The Fremont General Plan land use designation for the project site is Institutional with and Historic Overlay- Primary Historic Resource. According to the Fremont Municipal Code, the project site is zoned Planned Development (P) with Historic (H) and Hillside Combining (H-I) Overlay District, and an underlying Community Commercial District zoning designation. In addition, the project site is subject to the principles of the Mission San Jose (East) Planned District, which was created to guide development in the Mission San Jose area.

[5] Bioswales help to regulate stormwater flows and improve water quality from siltation.

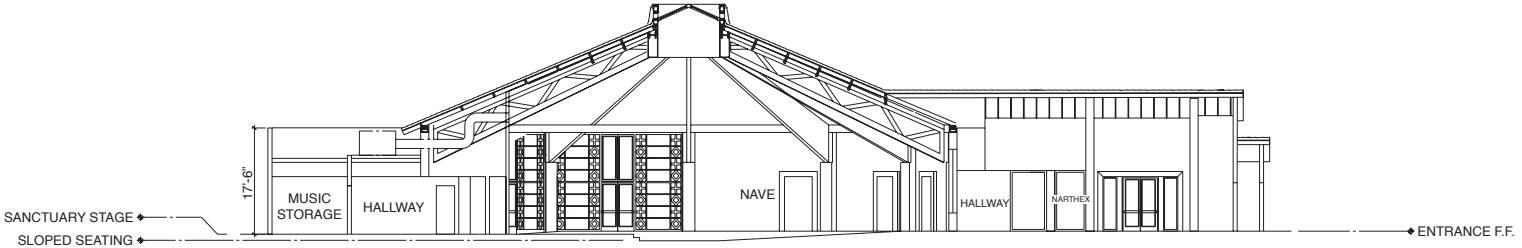


SOURCE: The Steinberg Group, 2004

Figure 6
Elevations



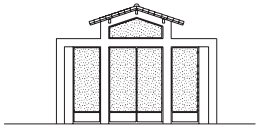
A CHURCH SECTION A–A



B CHURCH SECTION B–B

C CHAPEL SECTION C–C

D CHAPEL SECTION D–D



E CHAPEL SECTION E–E

SOURCE: The Steinberg Group, 2004

Figure 7
Sections

APPROVALS REQUIRED

This Initial Study is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering all necessary project approvals. The City of Fremont serves as the Lead Agency for the proposed project under CEQA (CEQA Guidelines Sec. 15051). This Initial Study is intended to be used to address all required discretionary City actions for the project and any actions required to enter into long-term agreements for the project, which include (without limitation):

- Planned District Major Amendment (City of Fremont Planning Commission);
- Demolition Permit (City of Fremont Development Services Center);
- Encroachment Permit for new curb cut (City of Fremont Engineering Division);
- Preliminary Grading Permit (City of Fremont Engineering Division);
- Private Street Application (City of Fremont Planning Commission);
- Development Organization Review (Staff Building Permit Review Process).

In accordance with the provisions of CEQA, as amended, the City must consider the environmental implications of a Project prior to determining whether to approve or disapprove the Project. Other agencies that may use this Initial Study when considering approval for the Project include:

- California Department of Fish and Game (Streambed Alteration Agreement)
- United States Fish and Wildlife Service
- United States Army Corps of Engineers
- Regional Water Quality Control Board

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The potential environmental impacts of the project have been assessed with respect to each of the environmental factors indicated below. Where the project has been determined to have a potentially significant impact with respect to an individual factor, the corresponding box is checked.

☐ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology / Soils
☒ Hazards & Hazardous Materials	☒ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☒ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☒ Transportation / Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	For

ENVIRONMENTAL IMPACTS:

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

DISCUSSION

1.a **Less than Significant Impact.** The project site is visible to pedestrians and motorists from short-range public viewpoints along Mission Boulevard. Approaching the project site from northbound Mission Boulevard, the project site is intermittently visible to the east through a heavily vegetated gateway from a small bridge over Mission Creek. Orderly rows of palms and gas lamp style lighting define street edge. Glimpses into the site's foliaged interior, especially along the Mission Creek riparian zone are available. Further to the south, the single-story beige rectory, with its low-hanging eaves and terracotta roof, can be seen setback from the roadway. Between the rectory and the existing church/hall (future parish offices) is St. Joseph Terrace, its driveways creating visual openings along Mission Boulevard, allowing longer-range views to penetrate into the site. A row of palms planted in the median draws the eye further into the site and to the Spanish-eclectic style Dominican Sisters complex set against rolling hillsides. South of the existing church/hall (future parish offices), near the intersection of Mission and Washington Boulevards is the Mission San Jose cemetery, bordered by a stark white adobe wall, and the church and its museum wing.[6] Long-range views along Mission Boulevard in both directions are framed by rolling hills in the background. To the south, Mission Peak is visible.

With the project, views of the site would change. In particular, the existing rectory would be demolished to accommodate the proposed church. The church would be visible along Mission Boulevard, especially in views to the south. The church would be oriented in a way such that its main entry would face southwest, and the church itself would be set back between 50 and 90 feet behind Monticello Terrace. Monticello Terrace would be landscaped with a variety of new and transplanted trees from other locations on the project site (e.g., olive trees). Project landscaping

[6] The Mission complex once formed a quadrangle, with the church fronting Mission Boulevard and the museum wing (the former convento) sited adjacent to it, perpendicularly. A quadrangle is an enclosed courtyard or patio having four sides.

would, over time, mature and visually screen direct views of the church from Mission Boulevard, similar to the effect existing landscaping currently has on the project site. Moreover, the project would create breaks in the densely vegetated streetscape where new entry and exit driveways would be located.

As discussed in the Project Description, the church would have a height of 16 feet to its eaves, approximately 36 feet to the top of its roof, and 44 feet to the top of its tower (see **Figure 6**, Elevations, and **Figure 7**, Sections). Its overall apparent height would be similar to (and slightly lower than) the adjacent Mission complex (see Checklist Item 1.c). The proposed new church would obstruct some views of the site's interior and distant hillsides to the east— existing views of the hills along Mission Boulevard would continue to be available under project conditions. As the site already contains an existing structure and is screened by landscaping, it can not be concluded that the proposed project would adversely affect scenic vistas. Therefore, this impact is less than significant.

1.b **Less Than Significant Impact.** The California Department of Transportation administers the California Scenic Highways Program. To the north and west of the project site is an officially designated 19.5-mile California Scenic Highway Segment along Interstate 680 (I-680), between Mission Boulevard and the Alameda/Contra Costa County line. North of the project site, a 7.2-mile segment of SR 84, between I-238 and I-680 is considered eligible for designation as a California Scenic Highway. The project site is located less than half a mile from officially designated segments and roughly four miles from eligible California Scenic Highway segments.

The Fremont General Plan also identifies County Scenic Routes, including I-880, SR 84, Mission Boulevard and Paseo Padre Parkway. City Scenic Routes include the BART alignment, Fremont Boulevard, Mowry Avenue, Stevenson Boulevard, Warm Springs Boulevard and Washington Boulevard, Morrison Canyon Road, Vargas Road, and Mill Creek Road.

The project site fronts Mission Boulevard which is a City Scenic Route. However, because the site is concurrent with existing development on the site, it would have a less than significant impact on any designated scenic highway, county scenic route, or city scenic route.

1.c **Less than Significant Impact.** The proposed project would result in a substantial change to the visual character of the project site. The project would add a new sanctuary building north of the existing church/hall (future parish offices), and alter the project driveways with a new roadway and entry plaza. The proposed single-story church would be elliptical in shape and would be constructed in a mission style with off-white painted concrete walls, an open colonnade along its southwest exposure, exposed wood timber trellises, and a red clay tile roof. The proposed church would be compatible with other buildings in the project vicinity with its proposed mission architecture style and use of similar building materials.

The proposed church would be shielded from Mission Boulevard by a row of historic palm and olive trees. In addition, the sanctuary would be setback approximately 42 feet further from the Mission Boulevard then Mission San Jose. The distance and trees would obscure the mass of the sanctuary, continuing to give Mission Jose visual dominance in the historic district.

It can be concluded that the proposed church would not result in a substantial negative aesthetic effect and that it would not substantially degrade the visual character of the site and its surroundings given that the building designs would require design review and approval by the HARB, Planning Commission, and City Council. The project would be required to erect story poles prior to any HARB, Planning Commission, or City Council meeting which are intended to give viewers a visual reference for the proposed building. The poles would be installed 20 days prior to any schedule meeting.

As a result of the design review and recommendations required by HARB, the Planning Commission, and the City Council, the proposed project would not degrade the site or the vicinity, and would be consistent with the design of Mission District, would complement existing complexes in the vicinity, and would not degrade the visual quality of the site or its vicinity. The project's impact on visual quality would be less than significant.

1.d **Less than Significant Impact.** Presently there is limited nighttime lighting on the site from the existing church, onsite parking areas, and from the site's interior roadway. The proposed new church, future rectory, and new roadway, could introduce a new source of light and glare to the site attributable to exterior lighting installed for purposes of safety and security. As part of the project, exterior light fixtures would be designed to shield the light source, aiming the cone of light directly downward, preventing direct viewing of the bulb from offsite receptors, while illuminating the intended location. Additionally, in the vicinity of the proposed church location, a number of trees border the church site to its north, which would minimize and screen potential project light spillage to nearby homes. Therefore, potential impacts associated with light and glare would be less than significant.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?	☐	☐	☐	☒

DISCUSSION

2. a-c **No Impact.** The project site is located within an urban area in the City of Fremont. Land uses adjacent to the project site include institutional, small-scale commercial and suburban residences and do not contain agricultural uses. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the site as *Urban and Built-Up Land*, which is defined as "…land [that] is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes" (Department of Conservation, 2000). The City's General Plan designates the site as Institutional, Historic Overlay, Primary Historic Resource.

Because the site does not contain agricultural uses and it is not zoned for such uses, the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance to non-agricultural use, and it would not conflict with existing zoning for agricultural land use or a Williamson contract, nor would it involve any changes to the environment that could result in the conversion of farmland.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
3. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

DISCUSSION

3.a **Less than Significant Impact.** The proposed project is located in the San Francisco Bay Area Air Basin, a state and federal "non-attainment" area for ozone, and a state "non-attainment" area for particulate matter with less than a 10-micron diameter (PM10). To achieve attainment, the Bay Area Air Quality Management District (BAAQMD) has developed both the *Revised San Francisco Bay Area Ozone Attainment Plan* for the 1-Hour National Ozone Standard (in compliance with the Federal Clean Air Act) and the *Bay Area 2000 Clean Air Plan* (in compliance with state law). These plans contain mobile source controls, stationary source controls and transportation control measures to be implemented in the region to attain the state and federal ozone standards within the Bay Area Air Basin.

This project would not be considered growth-inducing as it would not include any residential development that would permanently increase the City of Fremont's population. The proposed church would cater to existing parish members. The project, as stated in the transportation section, would result in 407 before mass trips and 486 after mass trips. These trips would be distributed over the roadway network surrounding the project site. However, the peak hour for the project (Sunday mornings) would not coincide with the commute peak hour. The addition of traffic during the peak hour would be minimal, and subsequently, impacts to carbon monoxide concentrations along intersections affected by project traffic would be less than significant.

The existing parish members already incorporated in the 2000 CAP. Therefore, the project would mirror the population-growth and vehicle-miles-traveled assumptions included in the 2000 CAP. As a result, the project would not conflict with or obstruct with implementation of the 2000 CAP, and the impact would be less than significant.

3.b **Less than Significant with Mitigation Incorporation.** During project construction, the operation of equipment (e.g., gasoline- or diesel-powered engines used for pumps, or compressors) would emit hydrocarbons, oxides of nitrogen, carbon monoxide, and particulate matter (consisting of windblown dust and diesel particulate). These emissions would occur temporarily and intermittently during project construction. **Mitigation Measure AIR-1**, identified by this Initial Study, would implement the appropriate BAAQMD measures to control emissions during the project construction phase, and reduce the impact to a less than significant level.

Mitigation Measure AIR-1: During construction, the applicant shall require its construction contractor(s) to implement the following measures required as part of BAAQMD's basic and enhanced dust control procedures for sites larger than four acres. The following Basic Control Measures shall be implemented:

- **Water all active construction areas at least twice daily.**
- **Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.**

- **Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.**
- **Sweep daily (with water sweepers) all paved access roads, parking areas and staging area at construction sites.**
- **Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.**

The following Enhanced Control Measures shall be implemented during project construction because the site is greater than four acres in area:

- **All "Basic" control measures listed above.**
- **Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).**
- **Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).**
- **Limit traffic speeds on unpaved roads to 15 miles per hour.**
- **Install sandbags or other erosion control measures to prevent silt runoff to public roadways.**
- **Replant vegetation in disturbed areas as quickly as possible.**

The operation of the proposed project would not cause or contribute substantially to any existing or projected air quality violation. According to CEQA guidance issued by the BAAQMD, a project would have potentially significant emissions impacts if it were to generate more than 2,000 vehicle trips per day. As noted in the Section 15 of this Initial Study, the proposed project would not exceed the 2,000 trip BAAQMD threshold, and as such no detailed, qualitative analysis of operational air quality effects is warranted.

3.c **No Impact.** The proposed project site is located in a state and federal "non-attainment" area for ozone and a state "non-attainment" area for PM10. As noted above, project operations would not generate substance emissions once construction is complete. Therefore the project would not contribute to regional ozone and PM10 concentrations, and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.

3.d **Less than Significant with Mitigation Incorporation.** As noted in Section 3.b, the implementation of a dust abatement program (**Mitigation Measure AIR-1**) would ensure that air quality impacts related to project construction activities would be reduced to a less-than-significant level. Emissions from other sources, such as vehicles, would be negligible since the project is not expected to generate a substantial increase in traffic volume. Therefore, this impact is considered less than significant.

3.e **No Impact.** The proposed project would not include the development of any uses that would generate odors. Therefore, the project would not create objectionable odors affecting a substantial number of people.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
4. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

A reconnaissance-level biological and wetlands survey, including a riparian assessment, was conducted of the project site by ESA biologists on August 6, 2003. Prior to the survey, the following sources were reviewed for pertinent information concerning the biological resources that occur, or have the potential to occur, on the project site: the LSA Biological Resource Assessment and Tree Survey (LSA, 2002 and 2003), the HortScience Tree Survey (HortScience, 2003), and the Biological Resource Assessment for the Tierra Project and Mission San Jose (East) Planned District Study Area (Environmental Collaborative, 2000). Searches were conducted on the applicable databases- the California Natural Diversity Database (CNDDB), the California Native Plant Society (CNPS) Inventory, and U.S. Fish and Wildlife Service (USFWS) online resources, for special status wildlife and plant species occurring in the Niles USGS 7.5

minute quadrangle, in addition to broader searches for occurrences of such species in Alameda County. CNDDB record locations for the project region were analyzed and mapped within a GIS.

4.a Less than Significant with Mitigation. The following special status species were determined to have potential to occur in the vicinity of the project site and the potential to be impacted by the project:

California red-legged frog (*Rana aurora draytonii*, a Federal Threatened Species and a California Species of Special Concern): Mission Creek provides low quality habitat for California red-legged frog. Downstream of Mission Boulevard, the creek is channelized with vertical walls and lined with concrete. Adjacent to the project site, the creek supports a riparian corridor dominated by Canary Island palms, and two limited areas dominated by native sycamore and willows. The creek does not support emergent wetland vegetation; very dense Himalayan and California blackberry provide cover. Though perennial, the creek is shallow and swift and does not appear to support pools or backwater areas suitable for breeding. California red-legged frogs have not been observed within two miles of the project site. However, if California red-legged frogs are present within a stock pond and other seasonal aquatic habitat within 1.5 miles of the project site, these individuals may utilize aquatic habitat within Mission Creek. Should the species occur, construction activities in or adjacent to the creek and riparian area could result in disturbance to or direct mortality. To ensure that California red-legged frog will not be impacted, implement **Mitigation Measure BIO-1**.

Burrowing owls (*Athene cunicularia*, a State of California Species of Special Concern): Grassland habitat with suitable small mammals was not observed on the project site. Burrowing owls are not likely to occur within this area. Although the potential for burrowing owl in habitats onsite is low, owls could inhabit site prior to construction activities. If burrowing owls are present on or adjacent to project development sites at the time of project ground-breaking, construction activities could result in disturbance to or direct mortality of owls. To ensure that burrowing owls will not be impacted, implement **Mitigation Measure BIO-2**.

Cooper's hawk (*Accipiter cooperi*) and **sharp-shinned hawk** (*A. striatus*; both State of California Species of Special Concern): The Mission Creek riparian corridor and other trees on the project site provide potential habitat for these species in addition to other non-listed special-status nesting raptors and other nesting birds. Construction activities could affect nesting of these species. To ensure that nesting of listed and other special-status bird species will not be impacted, implement **Mitigation Measure BIO-3**.

Bats: Three bat species have a moderate potential to occur on the site. These are **Pacific western big-eared bat** (*Coryorhinus townsendii townsendii*), **long-eared myotis** (*Myotis evotis*), and **fringed myotis** (*Myotis thanodes*). Several other species have low potential but should still be considered possible to occur on site. These are pallid bat (*Antrozous pallidus*), greater western mastiff bat (*Eumops perotis californicus*)**,** western small-footed myotis (*Myotis ciliolabrum*), long-legged myotis (*Myotis volans*)**,** and Yuma myotis (*Myotis yumanensis*)**.** Buildings and large trees on the project site may support roost sites for these.

Removal of abandoned or unused buildings, structures, appropriate trees and other proposed construction activities during the breeding season could result in direct mortality of special status bats. In addition, construction noise and human disturbance could cause roost abandonment and death of young. To ensure that special status bat species would not be impacted, the implementation of **Mitigation Measure BIO-4** would reduce potential impacts to a less than significant level.

Mitigation Measure BIO-1: Avoid impacts to California red-legged frog by conducting protocol-level surveys prior to construction. If found to be present, keep frogs out of construction area with exclusion fencing and conduct employee education program for construction workers.

To avoid the possibility of "taking" (harming or harassing) red-legged frogs, surveys for their presence would be performed following approved protocols for the season and intensity of surveys. This would comprise four discrete surveys within a one-week period between May and November. Informal consultation shall be made with the USFWS. If no frogs are found, the project area would be considered unoccupied habitat and no additional mitigation would be necessary. If frogs are found:

A construction buffer zone, ideally a minimum 50 feet, will be established between the construction zone and the creek. The creek would be separated from the work area with "frog-proof" staked fabric silt fencing at the border of the buffer zone, along the entire northern border of the work area, in order to limit site access by construction equipment and limit accidental wildlife movement onto the work sites.

An employee education program shall be conducted to explain measures being taken to reduce impacts to the species during construction operations near sensitive areas.

If a California red-legged frog is identified in the project operational zone, all work in the immediate area shall immediately cease and the USFWS shall be contacted immediately.

Enactment of these measures would reduce potential impacts to California red-legged frogs to less-than-significant levels.

Mitigation Measure BIO-2: Avoid impacts to burrowing owls by conducting preconstruction surveys. If occupied burrowing owl habitat is detected on or adjacent to the project site, measures to avoid, minimize, or mitigate impacts to burrowing owls shall be incorporated into the project.

A pre-construction survey shall be conducted for burrowing owls 14 to 30 days prior to construction by a qualified biologist in accordance with the most recent California Department of Fish and Game (CDFG) protocol, currently the *Staff Report on Burrowing Owl Mitigation* (CDFG 1995). Surveys will cover grassland areas within a 500-foot buffer (access permitting), checking for adult and juvenile burrowing owls and signs of burrowing owl occupation.

If occupied burrowing owl habitat is detected on or adjacent to the project site, the following measures shall be enacted:

Construction exclusion areas shall be established around the occupied burrows in which no disturbance shall be allowed to occur. During the non-breeding season (September 1 through January 31), the exclusion zone shall extend 160 feet around the occupied burrows. During the breeding season (February 1 through August 31), exclusion areas shall extend 250 feet around occupied burrows.

If the above avoidance requirements cannot be met, passive relocation of on-site owls may be implemented as an alternative, but only during the non-breeding season, and then only after coordinating with CDFG. Passive relocation shall be accomplished by installing one-way doors on the entrances of burrows located within 160 feet of the project site. The one-way doors will be left in place for 48 hours to ensure that the owls have left the burrow.

For each burrow that may be excavated by project construction, two alternate unoccupied natural or artificial burrows shall be provided outside of the 160-foot buffer zone (CDFG 1995). The alternate burrows shall be monitored daily for one week to confirm that owls have moved and acclimated.

Burrows in the construction area would be excavated using hand tools under the supervision of a qualified biologist and then refilled to prevent reoccupation. If any burrowing owls are discovered during excavation, the excavation will cease and the owl(s) allowed to escape. Excavation shall be completed when the biological monitor confirms that the burrow is empty.

If owls are identified on or adjacent to the site, a qualified biologist shall provide a pre-construction worker education program to contractors and their employees that describes the life history and species protection measures that are in effect to avoid impacts to burrowing owls.

Enactment of these measures would reduce potential impacts to burrowing owls to less-than-significant levels.

Mitigation Measure BIO-3: Avoid impacts to nesting raptors and other special status birds by conducting preconstruction biological surveys and coordinate with USFWS and CDFG (as appropriate) for avoidance procedures.

A qualified biologist shall survey the site for nesting raptors and other special status wildlife species within 30 days prior to any ground-disturbing activity if construction activities would occur during the breeding season (February 1 to August 31). Results of the surveys shall be forwarded to the USFWS and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These may include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance.

Enactment of these measures would reduce impacts to less-than-significant levels.

Mitigation Measure BIO-4: Avoid impacts to bats through preconstruction surveys and implementation of avoidance measures acceptable to the CDFG.

If removal of abandoned or unused buildings or structures or trees are scheduled to occur during the non-breeding season (September 1 through February 28), no mitigation is required.

If such activities are scheduled to occur during the breeding season (March l through August 31), the following measures are required to avoid potential adverse effects on breeding special status bats:

- A qualified bat biologist, acceptable to CDFG, will conduct pre-tree removal and pre-demolition surveys of structures to be removed and adjacent structures if they provide potential roosting sites.

- If active roosts are identified during preconstruction surveys, a no-disturbance buffer acceptable to CDFG will be created around active bat roosts during the breeding season. Bat roosts initiated during construction are presumed to be unaffected, and no buffer is necessary. However, the take of individuals will be prohibited.

- If preconstruction surveys indicate that roosts are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees, shrubs, or structures that have been determined to be unoccupied by special status bats or that are located outside the no-disturbance buffer for active roosts may be removed.

Enactment of these measures would reduce potential impacts to bats to less-than-significant levels.

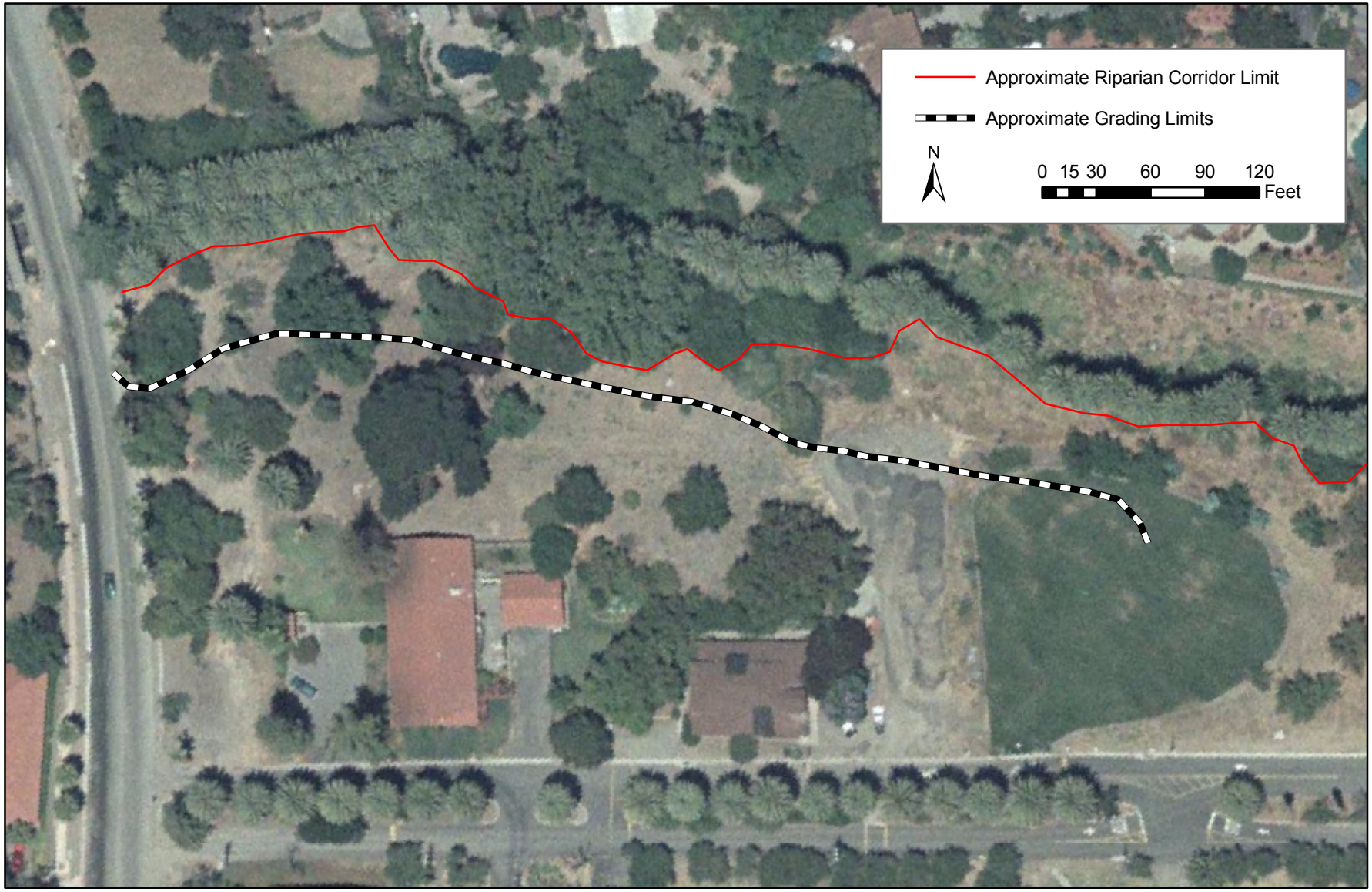
4.b **Less than Significant with Mitigation.** Approximately 600 linear feet of the northern edge of the project footprint, here defined as the limits shown in the Site Grading Plan, ranges from approximately 65 to 120 feet from the Mission Creek center line (see **Figure 4.1**). The distance between the project footprint and the edge of the assessed riparian corridor ranges from approximately 15 to 70 feet.

The project footprint appears to avoid potentially jurisdictional limits of the riparian corridor, which are under authority of the CDFG (Cal. Fish and Game Code 1600-1616). Permanent impacts to the riparian corridor are avoided. However, the close proximity of the project footprint to the riparian corridor puts the corridor at risk for construction-related impacts.

To ensure that the riparian corridor would not be impacted during project construction, implement **Mitigation Measure BIO-5**.

Local policies pertaining to potential biological impacts to Mission Creek are summarized as follows.

Fremont General Plan Policy NR 1.1.1 (Policy NR 1.1.1): Calls for preservation of, or minimization of impacts to, riparian corridors and their wildlife habitat. Implementation 2 includes the statement: "Concurrent with the development application, the extent and characteristics of riparian corridors shall be carefully assessed to a minimum distance of 100 feet from the center of the creek bed. Environmental assessments of these areas shall consider the full spectrum of habitat needs for flora and fauna for their life cycle."



SOURCE: GlobeXplorer, 2004; ESA, 2005

Figure 4.1

Relitive Positions of Grading Limit and Riparian Corridor Limits

Mission San Jose (East) Planned District Statement of Principle 3.3.4 (Principle 3.3.4): States "pending completion of a riparian corridor assessment of Mission Creek, a setback of 100 feet from the center of the creek bed should be used as a guideline for planning purposes. Once an assessment has been completed and the City has established a corridor and appropriate setbacks, all construction, including relocation of Monticello Terrace (i.e., St. Joseph's Terrace) and related grading and slopes or embankments shall avoid intrusion upon the riparian corridor unless adequate mitigation measures are approved by the City."

Planned District Mitigated Negative Declaration Mitigation Measure B-4 (PDMND Mitigation Measure B-4): States "adequate setbacks should be provided along the Mission Creek corridor. This should include a minimum development setback of 100 feet, unless alternative mitigation is provided."

Direct impacts to the assessed riparian corridor, as shown in **Figure 4.1**, are avoided by the project with the implementation of Mitigation Measure BIO-5. However, the project encroaches on the setback zone established by the above local policies. Approximately 540 linear feet of the northern grading limit is less than 100 feet from the creek centerline. Along approximately one third of this, the setback ranges from 90 to under 100 feet, the remainder ranges from 65 to under 90 feet. The total area of setback encroachment is approximately 7600 square feet (0.17 acres).

An evaluation of the setback following the riparian assessment found that the 100-foot grading limit to creek center line guidance for a setback is not particularly useful in gauging potential impacts to riparian habitat. For example, the area in which the setback is greatest (approximately 120 feet) is also the area where the grading limit most closely approaches the edge of riparian vegetation. This area is centrally located along the northern boundary of the project footprint, approximately centered on the grove of large sycamore trees located in the riparian corridor. Over an approximately 200 foot length of the grading limit, more or less centered on the grove of large sycamore trees associated with the riparian corridor, the grading limit to riparian edge distance ranges from about 15 to 45 feet.

Following the riparian assessment, the setback along the grading limit/riparian corridor interface appears sufficient to satisfy the intent of the applicable Policy NR 1.1.1 and Principle 3.3.4, in that it retains a continuous, profile of creek bed and bank with woody vegetation with an upland grassland buffer of varying width. The area mentioned above, where the grading limit to riparian edge distance ranges from 15 to 45 feet, provides a less than optimal setback although it does provide at least minimal continuity of upland buffer. Implementation of Mitigation Measure BIO-5 will insure avoidance of disturbance to riparian habitat in this area and implementation of Mitigation Measure BIO-3 will provide for avoidance of disturbance to nesting special status bird species potentially occurring in riparian trees close to the construction zone in this area.

Because the setback is less than 100 feet from the creek centerline, alternative mitigation is required to fulfill Mitigation Measure B-2 of the PDMND.

In order to reduce the significance of the impact to the riparian corridor setback (or buffer zone), implement **Mitigation Measure BIO-6.**

Mitigation Measure BIO-5: Avoid impacts to the riparian corridor during construction by placement of a safety fence along the northern edge of the project construction area with all construction activities prohibited beyond this barrier.

The northern boundary of the project construction area will be marked with safety fencing (installed under the supervision of a qualified biological monitor) and all construction activities, including but not limited to ground disturbance, material placement and vehicle passage, prohibited from occurring outside of this marked limit of the project area. Placement of the fencing will be restricted to the edge of the graded area indicated in the Grading Plan to as great an extent as possible, this being mandatory wherever the footprint edge comes within 20 feet or less of the edge of the riparian corridor. For areas with a greater distance between the edge of the footprint and the riparian corridor, fencing will be placed as close as possible to the edge of the project footprint taking into account equipment maneuvering and other construction necessities. At minimum, a buffer of at least 15 feet will be maintained between the construction limits and the riparian corridor edge. A biological monitor shall make regular site inspections to ensure that the fence remains in place and that construction activities are confined to the delineated impact areas. The fence will remain in place and be maintained as necessary for the full construction period.

Mitigation Measure BIO-6: Mitigate for impacts to the riparian corridor buffer zone by development and implementation of a riparian habitat enhancement and monitoring plan for the stretch of Mission Creek riparian corridor in the project area. The plan and its implementation must meet the approval of the City and the California Department of Fish and Game.

The implementation of a creek enhancement mitigation would be documented in a riparian habitat enhancement and monitoring plan, which would contain, at a minimum, the following sections:

- Site preparation;
- Exotic plant removal;
- Monitoring and follow-up of exotic plant removal;
- Planting plan based on reference site;
- Native planting materials and plant installation;
- Installation of systems necessary for planting establishment (*e.g.*, drip irrigation system, herbivore protection tubes);
- Maintenance;
- Long-term monitoring needs (possible long-term funding for monitoring); and
- Success criteria.

Enhancement work within the riparian area will require consultation and approval of the CDFG, probably in the form of negotiation of a Streambed Alteration Agreement. In order for this mitigation to reduce this impact to a less than significant level, it must meet with the approval of the City.

Because Mission Creek and the Canary Island date palms lining it are Primary Historic Resources, this exotic species will not be removed and the plan will take into account cultural resource

constraints. Exotic species removal will be principally of, but not limited to, English and Algerian ivy (*Hedera helix* and *H. canarensis*, respectively), blue gum trees (*Eucalyptus globulus*), and pampas grass (*Cortaderia* sp.). Care will be taken to not harm the existing native species and Canary Island date palms.

Any planting within 100 feet of Mission Creek should be restricted to appropriate native species per the Planned District Negative Declaration Mitigation Measure B-10. Additional direction for species to be planted is provided by Mission San Jose (East) Planned District Statement of Principles/ Principle 3.5.4 which states, "Future improvement programs for the St. Joseph's property along Mission Creek should include replacement of the former eucalyptus plantings with native riparian and upland species. Historic ornamental plantings associated with the Gallegos Estate, including palm trees and other species, should be preserved and complimented with additional landscaping."

4.c **Less than Significant with Mitigation Incorporation.** The project footprint appears to avoid potentially jurisdictional Section 404 wetland areas under U.S. Army Corps of Engineers jurisdiction. These areas include the Mission Creek bed, up to the ordinary high water mark, adjacent wetlands along the lower banks of much of the creek, and a few freshwater seeps occurring along the upper south bank. Permanent impacts to these areas are avoided by the proposed project. However, the close proximity of the project footprint to the riparian corridor puts these areas at risk for construction-related impacts.

To ensure that the riparian corridor will not be impacted during project construction, the City of Fremont shall require implementation of **Mitigation Measure BIO-7.**

Mitigation Measure BIO-7: Avoid impacts to the wetlands during construction by protective measures contained in Mitigation Measure BIO-5.

Implementation of **Mitigation Measure BIO-7** would reduce potential impacts to nearby wetlands to a less than significant level.

4.e **Less than Significant with Mitigation Incorporation.** In the LSA tree survey 341 trees above five inches DBH were identified in the project area. The report states that as a result of the project, 86 trees would be removed from the site, 16 would be transplanted onsite, and 18 trees would be impacted by construction. The HortScience tree report proposes removal of 100 trees and transplantation of 17 trees. The HortScience report does not quantify the number of trees to be otherwise impacted by construction, but recommends measures, specific to individual trees, to reduce impacts to the remaining trees. In the February 23, 2004 planning resubmittal, 81 trees were identified for removal and 18 for transplanting on the site.

Assuming that the project area would be "the subject of a contemplated or pending application for a development project," all 341 trees recorded by the survey meet the definition of Protected Tree and are subject to permit requirements per the Fremont Tree Preservation Ordinance (whereas the methods of the tree survey specified including all trees over 5 inches DBH, review of the data reveals no tree, or additive multi-trunked tree, with a DBH of less than 6 inches).

Categories of protected trees represented in the 341 Protected Trees include Native Trees, Trees of exceptional adaptability to the Fremont area, and Landmark Trees. Trees that are Primary Historical Resources are also located on the site, principally the 66 Canary Island palm trees located adjacent to Mission Creek (itself a designated Primary Historical Resource). [7]

Landmark Trees occurring on site include:

1) The 66 Canary Island palm trees located adjacent to Mission Creek discussed in the preceding paragraph;

2) Three Mexican and one California fan palm located along Mission Boulevard;

3) The row of 25 Canary Island palm trees occurring along Saint Joseph's Terrace;

4) All 105 olive trees found in the project area.[8]

Four other trees on the property meet landmark tree criteria and are under consideration by the City for landmark status. These include a large avocado (*Persea americana*) (Tree #184 in the LSA survey), and three of the six large sycamores located along Mission Creek.

The LSA and HortScience tree reports evaluated impacts to individual trees involved in previous project plans. HortScience has been retained to provide an updated evaluation of the palms and olives trees along the proposed roadway realignment, specifically to focus on the impact in conjunction with the construction methodology of the roadway construction. A summation of trees proposed to be removed or transplanted in the October 24, 2004 site plans is as follows.

Tree to be removed:

6	Landmark Trees
6	Native Protected Trees
69	Protected Trees

Trees to be transplanted:

2	Primary Historic Resource Trees
12	Landmark Trees
4	Protected Trees

The proposed removal, transplanting, or impacts to protected trees is a potentially significant impact.

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7 CEQA protection of these trees as historical resources is not addressed in this section.

8 Although LSA (2002) notes that the olive trees on site are Primary Historic Resources (PHR), it is not clear that these trees have this status. The olive trees on adjacent Dominican Sisters grounds are listed as PHR48 but certain information in the record of this resource is ambiguous (*i.e.* the address). The trees are believed to be from the same stock as those on the Dominican Sisters property (themselves derived from cuttings of the original Mission San Jose trees). The City has accorded the olive trees on Saint Joseph's property Landmark status. It should be noted that the olive trees are accorded Landmark status as a group and not as individuals.

Mitigation Measure BIO-8: Permits would be obtained from the City for removal of protected trees or authorization for protected tree removal will be granted by the City as part of a development approval. Measures necessary to take in obtaining approval from the City would include:

For each tree removed planting of a "24 inch box replacement tree of a species and in a location approved by the person or entity imposing mitigation requirements under the [Tree Preservation Ordinance]" (Section 4-5107). These would presumably be of the same or similar species to the native trees and the trees characteristic of the Planned District that are removed.

Follow the "Standard Tree Preservation Notes for Demolition Plans, Grading Plans, and Planting Plans" in the City of Fremont Landscape Development Requirements and Policies. The requirements apply to protection of existing trees that will be preserved or relocated. Requirements include:

Installation of protection measures before demolition or construction begins,

Installation of a six-foot tall chain link fencing at or outside of the drip-line of preserved trees; no grading or storage of construction materials or vehicles within the fenced area;

No passage of construction vehicles/machinery between preserved trees with canopies within 10 feet of touching;

Presence of a certified arborist, approved by the City, if removal of existing roots or branch pruning is required and for relocation of existing trees;

Specific measures to reduce impacts to individual trees presented in the "Tree Preservation Guidelines" of the HortScience tree report will be followed.

Due to the high number of trees proposed to be removed, transplanted, and impacted, and the loss of many mature examples of varieties regarded as historic landscaping in the Mission San Jose (East) Planned District, these measures may not be sufficient to mitigate for the impact of their removal.

Given that re-establishment of native riparian vegetation along the stretch of Mission Creek in the project area is a specific goal and priority of the *Planned District Statement of Principles*, consideration of a considerable contribution to such enhancement of Mission Creek should be weighed as sufficient compensatory mitigation for this impact (see **Mitigation Measure BIO-6**). This should take into account that tree replacement is in addition to that otherwise imposed by other conditions of approval per Tree Ordinance Sec. 4-5107.

Meeting conditions of approval by the City and obtaining a permit for the proposed removal or these trees by an agreement to enact such conditions would reduce the level of impact to less than significant levels.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
5. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

DISCUSSION

5.a Less than Significant with Mitigation Incorporation. The following information is a summary of the *Project Impact Analysis for Historic Architectural Resources* (Page & Turnbull, revised 2004) for this project.[9] The following impact analysis is based on available data about historic architectural resources obtained using the following methods: site visit; review of State of California Department of Parks and Recreation DPR 523 forms; Sanborn fire insurance maps; an archaeological inventory (Archor Archaeological Consultants, 2003); and City of Fremont *Design Guidelines and Regulations for the Mission San Jose Historic Overlay District*.

The following major historic architectural elements contribute to the project site's cultural landscape:

Mission Church: The original adobe mission church, which was dedicated in 1809 was destroyed, replaced by a faithful reconstruction of the original mission church, completed and rededicated in 1985. The original mission cemetery is located to the north of the mission church. The Mission San Jose District is defined by the dominance of the reconstructed mission church and by what is described in the *Guidelines and Regulations* as the "informal and semi-rural character" of the area. This character is supported by freestanding religious buildings, commercial stores and offices that are surrounded by landscaped open space.[10]

Carriage House: According to historic Sanborn Maps and the Gallegos House DPR 523 form (December 2001), there were two wood-frame dwellings on the Gallegos Estate, one that was occupied by the Gallegos family and another, closer to Mission Creek, that was rented out. The house nearer the creek had a garage. This garage is thought to be the building currently known as the Carriage House. The Gallegos House DPR 523 form indicates that the garage shown on the

9 This study is available for review at the City of Fremont Development and Environmental Services Division, by appointment, in project file PLN-2003-00165.

10 Mission San Jose Historic Overlay District Design Guidelines and Regulations, pg 2

Sanborn Maps was left in place when the Gallegos House and the other house on the property were relocated in 1974. The Carriage House is the last building remaining on site from the original Gallegos Estate, which occupied a portion of the project site.

Historic Trees and Landscape: The Mission San Jose setting continues to be semi-rural in character, with open areas located at the north end of the site and built areas located in the middle and southern portions of the site. Historic palm, avocado, and olive trees are scattered throughout the site, many of which date from the time of the Gallegos family and earlier. Historic and culturally significant trees and landscape features should be recognized as cultural resources and should be retained.

The Mission San Jose and St. Joseph's Church site contain historic resources that have been given the following designations:

- The Fremont General Plan lists the Gallegos Estate grounds as a primary historic resource.[11]
- The Mission San Jose (East) Planned District defines the Gallegos Estate grounds as the northwestern portion of St. Joseph's Church property.
- Mission San Jose is designated as California Registered Historical Landmark No. 334. The main church, the Dominican Sisters Seminary building and courtyard, earlier mission gardens, statuary, outbuildings and several cemeteries are listed as resources.
- According to the California Office of Historic Preservation, Mission San Jose was listed in the National Register of Historic Places on July 14, 1971.

The California Environmental Quality Act and the Guidelines for Implementing CEQA indicate that resources listed in a local historic register are to be presumed historically or culturally significant unless the preponderance of evidence demonstrates they are not. The list of Primary Historic Resources in the Fremont General Plan is considered to be a local historic register. As such, properties listed in this register are considered to be historic resources for purposes of CEQA review.

The northwestern portion of the St. Joseph's Church property has been determined to be a primary historic resource by the City of Fremont as the location of the Gallegos Estate. (Although the original Gallegos house has been moved from the site, the site remains listed in the Fremont General Plan as a primary historic resource). The only above-ground resources in this area from the Gallegos family are the palm trees that line the bank of the Mission Creek, various plantings, and the Carriage House. The evaluation states that the Carriage House on north end of the former Mission San Jose site appears to contribute to the Gallegos Estate listing as a primary historic resource. Additionally, the estate's original topography adjacent to Mission Creek appears to be intact. The open, grassy character of the north end of the project site retains the "informal and

[11] This list of Primary Historic Resources is shown on page 21 of the Mission San Jose (East) Planned District *Statement of Principles* adopted June 5, 2001.

semi-rural character" that has been identified by the City of Fremont in its Mission San Jose District Guidelines and Regulations.

The City of Fremont's *Statement of Principles* for the Mission San Jose (East) Planned District 3.3.5 states, "the design of any project that would cause visible change to a character-defining element of the Planned District's cultural landscape, including its overall setting, shall observe and achieve consistency with the Secretary of the Interior's *Standards for Rehabilitation.*"[12] The evaluation of potential physical impacts is based on information in the project description and detailed site plans and section drawings.

The Proposed Church: The proposed church would achieve consistency with the Secretary of the Interior's *Standards for Rehabilitation*. The proposed church is differentiated from the existing Mission church in terms of scale and materials and composition. The new church distinguishes itself from the historic environment and established patterns of institutional construction in the historic Mission San Jose District by being constructed at an angle to Mission Boulevard rather than perpendicular to the street, and the design of the new church is compatible with the existing Mission church through its use of similar design elements and materials (loggias, red tile, stucco cladding, etc.).

According to the City of Fremont's Statement of Principles for the Mission San Jose Planned District, new construction in the district should be "visually subordinate to the mission complex," while contributing to the "flavor of the area." The Design Guidelines and Regulations go on to say that Mission Revival style buildings should be "less prominent than the Mission San Jose."[13] In addition, it is suggested in 2.3 of the Mission San Jose Historic Overlay District Design Guidelines and Regulations that "off-white or buff colors should be used for stucco buildings, avoiding the white used on the Mission San Jose as a way to enforce the hierarchy of the Mission as the "heart of the District." "

Review of the proposed church design reveals that the primary elevation of the new church would reflect the character of the existing mission church's main façade. However, due to its different composition, scale, height and orientation, the new church would be clearly differentiated from the existing church. A contemporary church plan with a mission style character is not objectionable, but it is important that the new church reference the mission church through its materials and massing and that it be secondary to and differentiated from the existing Mission Church. The new church would be painted an off-white or buff color that would be distinctly different from the white of the existing Mission church.

Historic Trees and Landscape: Although the historic trees would be preserved, the significance of the property is based on its association with the Mission San Jose, followed later by the establishment of the Gallegos Estate. As a result, use of the property as the site for a new church is in keeping with its historic use. The characteristics that define this end of the site, including its rural character composed of small buildings surrounded by open space, would result in more than

[12] City of Fremont *Statement of Principles* for the Mission San Jose (East) Planned District 3.3.5, pg 23.
[13] Mission San Jose Historic Overlay District Design Guidelines and Regulations, pg 21.

"minimal change" to the site and to the existing cultural landscape. The proposed alterations to the landscape around the new church, however, may be considered a significant change to the historic character of the site. The elevation changes that have been proposed to accommodate construction of the new church would result in significant changes to the site's existing topography.

Carriage House: The project sponsor intends to retain the Carriage House along with a portion of the historic landscape and trees that surround the building. Since the Carriage House has been determined to be an historical resource, demolition of the building would cause a substantial adverse change in the building's significance.

The proposed alterations to the topography and landscape of the former Gallegos Estate, which is considered by the City of Fremont to be a primary historic resource, would have a significant impact on the environment. Implementation of **Mitigation Measure CULTURAL-1** would reduce the potential impact to less than significant.

Mitigation Measure CULTURAL-1: The applicant and/or its contractor(s) shall retain the Carriage House and its immediate surrounding landscape. If the Carriage House is ever rehabilitated it shall maintain its historical integrity by adhering to the Secretary of the Interior's Standards for Rehabilitation.

Alterations to the topography would impact the character of the historic setting and would change the relationship of this piece of land to the adjacent Mission Creek. However, these alterations would be mitigated to a less than significant impact through retention and rehabilitation of the existing Carriage House and through the retention of the landscape that immediately surrounds the Carriage House.

5.b **Less than Significant with Mitigation Incorporation.** The analysis of whether the project would impact unique or significant archaeological resources is based primarily on archival research, review of previous archaeological investigations for the project site, and a field survey conducted by Archaeor Archaeological Consultants (2003). In addition, an Environmental Science Associates (ESA) Registered Professional Archaeologist conducted a field review of the project site and contacted appropriate Native Americans and tribal leaders. A detailed and comprehensive description of the cultural, archaeological and historical setting of the project area is presented in *Phase I Archaeological Inventory and Cultural Resources Study for the New St. Joseph's Church Project* prepared by Archaeor Archaeological Consultants (Archaeor 2003).[14]

An ESA archaeologist contacted the Native American Heritage Commission (NAHC) on July 2, 2003, to request information on locations of importance to Native Americans and a list of Native Americans that the project could potentially impact. The NAHC provided a list of nine Native American organizations that should be contacted concerning locations of importance to Native Americans in the project area. ESA sent a letter to each organization on the NAHC list, providing information about the proposed project and requesting information on locations of importance to

[14] Ibid.

Native Americans. To date, two responses have been received: Andrew Galvan indicated that he has extensive familiarity with the project site, is aware of known cultural resource sites, and wishes to continue to be consulted about the proposed project. Ann Marie Sayers indicated that monitoring should be conducted during construction, that a meeting should be held with all interested Native Americans, and that a Memorandum of Agreement should be developed which would formalize any agreements reached concerning monitoring procedures and the disposition of any recovered Native American remains.

An ESA Registered Professional Archaeologist (RPA) participated in a field review of known cultural resources at the project site on July 30, 2003. Other field review participants included an archaeologist and an historian from Archaeor Archaeological Consultants, project consulting engineers, a project architect, an architectural historian, and representatives from the City of Fremont. The purpose of the field review was to see known cultural resources in the project area, observe the project setting, and to discuss potential avoidance measures with members of the project design team.

An ESA RPA reviewed the archaeological inventory report prepared for the proposed project (Archaeor 2003). The report indicated that the entire proposed project site has been subjected to an archaeological surface inspection, and that archaeological test excavations and archaeological monitoring have occurred in various locations unrelated to the proposed project. The report identified both known archaeological resources in or near the project site, and areas that may contain other sensitive for the presence of other unidentified, buried archaeological resources.

According to CEQA, a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment (CEQA rev. 1998 Section 15064.5(b)). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Actions that would materially impair the significance of a historic resource are any actions that would demolish or adversely alter those physical characteristics of an historical resource that convey its historical significance and qualify it for inclusion in the California Register of Historic Resources (CRHR) or in a local register or survey that meet the requirements of sections 5020.1(k) and 5024.1(g) of the Public Resources Code.

Although federal regulations have not been triggered for this project, such as Section 106 of the National Historic Preservation Act (NHPA), both the architectural distinctiveness and historical contributions that the California Missions have made to the State of California illustrate the need to consult with the State Historic Preservation Officer (SHPO) on the proposed project. The SHPO can provide guidance on the effectiveness of the mitigation measures and overall project design to preserve the historic significance of the Mission San Jose district.

The following impact analysis is based on available data about archaeological resources obtained using the methods described above and an evaluation of potential physical impacts on those

resources using proposed project description information and detailed proposed site plans and section drawings.

CA-Ala-1: This is the site designation for Mission San Jose and includes the cemetery, existing Mission buildings (current Museum Wing), and various archaeological remains as indicated below. In addition to known features of this site, other buried features are likely to be present on the project site. CA-Ala-1 includes a large area with numerous features and components, the majority of which would not be impacted by the proposed project. Three known features of CA-Ala-1, however, are within the proposed project site and could potentially be impacted. These three features are described individually below.

Adobe wall/rock wall foundation (a feature of CA-Ala-1) located between Mill Street and Monticello Terrace: Although this feature has not been evaluated for CRHR eligibility as a contributing element of CA-Ala-1, it should be considered to be a contributing element to the overall significance of Mission San Jose, unless future research demonstrates otherwise. Damage to, or destruction of, this wall segment would be considered to be a significant impact. Proposed project plans indicate that this wall segment would not be damaged or destroyed by the proposed project. The location of the adobe wall has been identified on project design drawings indicating that the wall would not be affected by the project activities (see **Figure 4** Proposed Site Plan). To ensure that this feature of archaeological site CA-Ala-1 would not be impacted, this Initial Study identifies **Mitigation Measure CULTURAL-2**.

Mission-period aqueduct (a feature of CA-Ala-1: Remaining portions of this buried aqueduct are located between the Carriage house and the ball field, along the north edge of Monticello Terrace. Although this feature has not been evaluated for CRHR eligibility as a contributing element of CA-Ala-1, it should be considered to be a contributing element to the overall significance of Mission San Jose, unless future research demonstrates otherwise. Damage to, or destruction of, this aqueduct segment would be considered to be a significant impact. Proposed project plans indicate that this aqueduct segment would not be damaged or destroyed by the proposed project. No mitigation is required.

Mission-period building foundations (a feature of CA-Ala-1): This wall foundation is located in the Southwest portion of the ball field and was previously exposed by archaeological excavation. Although this feature has not been evaluated for CRHR eligibility as a contributing element of CA-Ala-1, it should be considered to be a contributing element to the overall significance of Mission San Jose, unless future research demonstrates otherwise. Damage to, or destruction of, this wall segment would be considered to be a significant impact. Proposed project plans indicate that this wall segment would not be damaged or destroyed by the proposed project. To ensure that this feature of archaeological site CA-Ala-1 would not be impacted, this Initial Study identifies **Mitigation Measure CULTURAL-3**.

CA-Ala-420: This resource is a prehistoric archaeological site located in the northwest corner of the proposed project site. The archaeological site includes burnt bone, shell, midden soil and historic period artifacts including ceramics and nails. This site has been subjected to archaeological testing which indicated a depth of cultural material of approximately 90cm.

Ground-disturbing activities such as grading, trenching, excavation, use of heavy equipment, and other activities associated with the construction of the proposed church building could result in damage to or destruction of archaeological site CA-Ala-420 in a manner that would adversely alter those characteristics that would qualify the site for listing on the CRHR. This would be a significant impact. To avoid or reduce impacts on site CA-Ala-420 to a less-than-significant level, this Initial Study identifies **Mitigation Measures CULTURAL-4, -5, -6, -7, -8, and -9**.

CA-Ala-419: This site is a prehistoric bedrock mortar site, located north of Mission Creek, outside proposed project activity areas. Although archaeological site CA-Ala-419 is outside designated proposed project activity areas, project-associated activities such as off-site mitigation could result in damage to this site. Damage to site CA-Ala-419 would be a significant impact. To reduce this potential impact to a less-than-significant level, this Initial Study identifies **Mitigation Measure CULTURAL-10**.

Archaeologically Sensitive Areas: Unidentified, buried archaeological remains could be present in areas considered to be sensitive for buried remains as well as other areas in the project site. Indeed, the entire project area possesses a significant concentration or linkage of sites. Buried archaeological remains such as prehistoric midden deposits, flaked and ground stone artifacts, bone, shell, building foundations and walls, and other buried cultural materials could be damaged during grading, trenching, and other construction related activities. Two general areas have been identified that appear to be particularly sensitive for the presence of archaeological remains, although no specific evidence of substantial cultural deposits or remains have been identified in these areas.

North Section. Much of the northern portion of the proposed project area between Mission Creek and Monticello Terrace is sensitive for the presence of both historic and prehistoric buried remains. Two areas have been reported to have scatters of artifacts, but have not been recorded as distinct archaeological sites. These areas include the area directly east of the ball field, and the area west of the ball field and north of the Carriage house.

West Section. Portions of the western area of the proposed project site, between the cemetery and the northern side of the existing Rectory Building, are sensitive for the presence of archaeological remains including Mission period wall foundations, historic archaeological deposits associated with the Mission (CA-Ala-1), and previously unknown portions of archaeological site CA-Ala-420 (described above).

Damage to significant or potentially significant buried archaeological remains would be considered a significant impact. To reduce this impact to a less-than-significant level, this Initial Study identifies **Mitigation Measures CULTURAL-5, -6, -7, -8, and -9**.

Mitigation Measure CULTURAL-2: The applicant and/or its contractor(s) shall avoid damage to the wall foundation located between Mill Street and Monticello Terrace.

The City of Fremont shall ensure that the project avoids damage to or destruction of the wall foundation, a feature of CA-Ala-1, located between Mill Street and Monticello Terrace.

Avoidance of the wall foundation has been incorporated into the project description. However if project plan change or if previously unidentified segments of the wall are discovered during construction activities, the City of Fremont shall require limited, non-destructive, archaeological excavation to expose the wall so that the exact extent of the wall can be identified. Once the exact extent of the wall is identified, the project shall be designed to avoid impacts on extant wall segments.

Mitigation Measure CULTURAL-3: The applicant and/or its contractor(s) shall conduct archaeological monitoring at the location of buried building foundations at the southwest corner of the ball field and avoid intact wall segments.

A qualified archaeologist shall monitor all ground-disturbing activities within 50 feet of the recorded location of buried building foundations located at the southwest corner of the ball field on the project site. If buried foundation segments are exposed, construction activities shall avoid all disturbances to those segments. The archaeological monitor shall document any previously unidentified foundation segments or other features that are exposed.

Mitigation Measure CULTURAL-4: The applicant and/or its contractor(s) shall avoid impacts at archaeological site CA-Ala-420 by placement of protective cover.

Archaeological site CA-Ala-420 shall be protected from all ground-disturbing activities such as grading, trenching, excavation, use of heavy equipment, and other sources of project-related disturbance. All intact portions of the site shall be capped with soil fill prior to construction of project facilities. The City of Fremont shall require the project proponent to consult with a qualified archaeologist to mark the known site boundaries that will be capped. Fill material shall be placed on the site in a manner that avoids all ground disturbance on the site. That is, the engineering requirements for either road or structural facilities shall take into account, at the design phase, how much fill material would adequately buffer the area between the facility and the archaeological resource in order to avoid any impact to the site deposits. Any below-grade requirements, e.g., sewer systems, basements, and/or electrical conduit, for the facility shall be incorporated into the depth requirements for buffering the archaeological site. If avoidance of the site deposits is not feasible due to design or engineering constraints, full data-recovery of the site shall be conducted prior to any excavation or soil disturbance at the site (see **Mitigation Measure CULTURAL-4**). A qualified archaeologist shall monitor the placement of fill on archaeological site CA-Ala-420 and shall have the authority to stop work if the monitor determines that intact portions of the site are being subjected to disturbance. Work shall resume when appropriate measures to avoid disturbance are identified at the discretion of the archaeological monitor.

The applicant shall provide the City of Fremont with a construction schedule that includes allowances for work stoppages resulting from archaeological discoveries during construction. The schedule shall demonstrate that sufficient time has been included during project grading and trenching to assure that work can be stopped in the area of the discovery until a qualified archaeologist can reasonable determine that significant or potentially significant archaeological deposits have been adequately identified, evaluated, protected and/or mitigated as appropriate.

Mitigation Measure CULTURAL-5: The applicant and/or its contractor(s) shall conduct archaeological monitoring of ground-disturbing activities and stop work if cultural resources are discovered.

All ground-disturbing activities associated with project preparation, construction, and completion shall be subjected monitored by a qualified archaeologist. The level of monitoring shall be determined by the archaeologist based on perceived sensitivity of specific areas, prior disturbance, and proximity to known cultural resources. Monitoring may consist of intensive continuous monitoring or intermittent monitoring, at the discretion of the archaeologist.

If potentially significant cultural resources are discovered during ground-disturbing activities, either by the archaeological monitor or by construction staff, work shall be halted in that area until the archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with the City of Fremont and other appropriate agencies and individuals.

If the City of Fremont, in consultation with the archeological monitor, determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, the City of Fremont shall require Saint Josephs Church to:

- Re-design the project to avoid any adverse effect on the significant archeological resource; *or*,

- Implement an archeological data recovery program (ADRP) (unless the archaeologist determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible). If the circumstances warrant an archeological data recovery program, an ADRP shall be conducted in accordance with the *Guidelines for Archaeological Research Design* (California Office of Historic Preservation 1991). The project archaeologist and the City of Fremont shall meet and consult to determine the scope of the ADRP. The archaeologist shall prepare a draft ADRP that shall be submitted to the City of Fremont for review and approval. The ADRP shall identify how the proposed data recovery program would preserve the significant information the archeological resource is expected to contain. That is, the ADRP shall identify the scientific/historical research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

Mitigation Measure CULTURAL-6: The applicant and/or its contractor(s) shall comply with state laws pertaining to the discovery of human remains.

If human remains of Native American origin are discovered during project construction, it would be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a

dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

a. The Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required; and

b. if the remains are of Native American origin,

    1. The coroner shall contact the Native American Heritage Commission within 24 hours.

    2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

Mitigation Measure CULTURAL-7: The applicant and/or its contractor(s) shall conduct cultural resources awareness training.

All construction personnel and supervisors shall be required to attend a brief cultural resources awareness training program. The cultural resources awareness training shall familiarize personnel with the types of cultural resources that could be encountered, explain why cultural resources are important, describe the procedures that shall be followed if cultural resources are discovered during construction, explain the responsibility of construction personnel to stop work if cultural resources are discovered, and describe the role and authority of archaeological and Native American monitors.

Mitigation Measure CULTURAL-8: The applicant and/or its contractor(s) shall prepare a Cultural Resources Management Plan.

Because there is a high likelihood that previously unknown cultural resources may exist within the project area and because known cultural resources could be impacted in unanticipated ways, a cultural resources management plan shall be prepared that specifies methods and requirements for archaeological monitoring; roles and authority of archaeological monitors; identification of areas where pre-construction excavation shall be conducted to determine if buried cultural resources are present; detailed procedures to be followed in the event of the discovery of cultural resources during either pre-construction excavation or during project construction; procedures for the evaluation and treatment of features of the Mission (CA-Ala-1) that may be discovered; reporting and documentation requirements; and the disposition of recovered cultural material, including human remains. The management plan shall also provide a detailed guide for implementation of each of the Cultural Resources Mitigation Measures.

Mitigation Measure CULTURAL-9: The applicant and/or its contractor(s) shall prepare an Archaeological Monitoring Report.

Following the completion of all ground-disturbing activities associated with the proposed project, an archaeological monitoring report shall be prepared that documents the monitoring methods that were used, locations and dates of monitoring, results of monitoring and any actions taken,

documentation of any archaeological remains that were discovered during construction, the disposition of any artifacts or other archaeological material that may have been collected, and any recommendations that may be warranted. The monitoring report will be submitted to the City of Fremont for review and approval.

Mitigation Measure CULTURAL-10: The applicant and/or its contractor(s) Avoid Site CA-Ala-419.

Archaeological site CA-Ala-419, which is located outside of the project site, shall be avoided by all project-related activities, including the use of the area for biological or other mitigation requirements. The City of Fremont shall review off-site mitigation areas to ensure that archaeological site CA-Ala-419 will be avoided. The on-site archaeologist (see Mitigation Measure Cultural-4) shall cordon the site prior to construction operations in the vicinity of CA-Ala-419 in order to identify the area as sensitive for archaeological resources.

5.c **Less than Significant with Mitigation Incorporation.** No paleontological resources or unique geologic features have been noted within the project area. Potentially significant paleontological resources could be discovered during project construction. Damage to or destruction of significant paleontological would be a potentially significant impact. To reduce this impact to a less-than-significant level, this Initial Study identifies **Mitigation Measure CULTURAL-11**.

Mitigation Measure CULTURAL-11: The applicant and/or its contractor(s) shall stop work if paleontological remains are discovered.

If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Fremont.

5.d **Less than Significant with Mitigation Incorporation.** Although no human remains are known to be present in the footprint of the project site, buried human remains that were not identified during field investigations could be inadvertently unearthed during excavation, grading, or other construction-related activities, which could result in damage to these remains. This would be a significant impact. To reduce this impact to a less-than-significant level, this Initial Study identified **Mitigation Measures CULTURAL-6, -7, -8, and -9**.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*

6. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

DISCUSSION

6.a(i) Less than Significant Impact. The project site is not located in an Alquist-Priolo Earthquake Fault Zone[15] as defined by the California Geological Survey (CGS) (formerly the California Division of Mines and Geology [CDMG]) and no active or potentially active faults exist on or in the immediate vicinity of the site.[16] The nearest active fault zones to the project site are the Hayward-Rodgers Creek fault zone to the southwest, the Calaveras fault zone to the northeast, and the San Andreas fault zone to the southwest. Because the project site is not located on an active or potentially active fault, the potential for surface fault rupture is low and the impact is considered less than significant.

[15] Alquist-Priolo Zones designate areas most likely to experience fault rupture, although surface fault rupture is not necessarily restricted those specifically zoned areas.

[16] An active fault is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 1997).

6.a(ii) Less than Significant Impact. The U.S. Geological Survey (USGS) estimates that there is a 62 percent probability of at least one moment magnitude 6.7 or greater earthquake occurring in the San Francisco Bay region before 2032. Within this 62 percent probability, the Hayward-Rodgers Creek and San Andreas fault systems are the two most likely fault systems to cause the event (USGS 2002 Working Group on California Earthquake Probabilities (WG02, 2002)). This earthquake could occur on one of many faults in the Bay Area, including but not limited to the Hayward-Rodgers Creek fault, the San Andreas fault, or the Calaveras fault. Therefore, the proposed project would likely experience at least one major earthquake (greater than moment magnitude 6.7) before 2032. Ground shaking from a moderate to strong earthquake generated from an earthquake fault in the Bay Area could generate violent shaking at the project site and cause damage to structures, utilities, and/or unsecured equipment (ABAG, 2005). Underlying geologic materials can intensify ground shaking; areas that are underlain by bedrock tend to experience less ground shaking than those underlain by unconsolidated sediments such as artificial fill. Since the project site is located on Quaternary-age undivided surface deposits, which consist of a mixture of gravel, sand, silt, and clay, it is likely that ground shaking would be intensified during an earthquake event.

Although some structural damage is typically not avoidable during an earthquake, building codes and construction ordinances have been established to protect against building collapse and major injury during a seismic event. The design and construction of the proposed facilities and their foundations, as well as buried utilities, in accordance with current applicable requirements of the Uniform Building Code (UBC), the California Building Code (CBC), would ensure that the level of risk from earthquake ground shaking would be at less-than-significant levels.

6.a(iii) Less than Significant with Mitigation Incorporation. Liquefaction occurs when water-saturated cohesion-less soil materials lose strength and become susceptible to failure during strong ground shaking in an earthquake. Liquefaction potential is greatest in areas with saturated soils where groundwater depths are less than 50 feet. According to official seismic hazard maps issued by the California Geological Survey (CGS), the northern end of the project site is located within a liquefaction seismic hazard zone (CGS, 2005). This hazard zone appears to coincide with the location of the creek. Implementation of **Mitigation Measure GEO-1**, identified by this Initial Study (and as a condition of project approval), would render this potential impact less than significant (CGS, 1997).

Mitigation Measure GEO-1: The applicant shall retain a California-registered civil engineer or certified engineering geologist to prepare a site-specific geotechnical report. The report shall evaluate the potential geologic hazards at the site including liquefaction, and provide recommendations to mitigate the hazard. The evaluation shall be in accordance with applicable City ordinances and policies and consistent with the most recent version of the California Building Code. Recommendations made by this report shall be incorporated in the project. The final seismic considerations for the site shall be submitted to and approved of by the City of Fremont prior to the commencement of the project.

6.a(iv) Less than Significant Impact. The project site is not located within a seismic hazard zone as defined by the CGS (CGS, 2005). In general, the topography in the area of the proposed project dips towards the west at a slope of approximately 3 to 5 percent on the western side of the project

and 10 percent on the eastern side of the project, making landslides unlikely on the project site. The proposed grading plan of the site would not significantly alter the topography of the site such that seismic induced landslides would be considered likely. As required by local grading requirements, the exterior grading would be limited to three to one ratio slopes (some limited exceptions exist where in conflict with other City requirements (i.e., other project mitigation)). Regardless, the final grading would conform to applicable building code requirements and current engineering practices which mitigate the potential for landslides. Thus, the impact is considered less than significant.

6.b **Less than Significant Impact.** Construction of the proposed project would involve excavation, soil stockpiling, and grading, especially with construction of the church and relocation of the rectory/garage. These activities would expose areas of soil that have previously been covered with asphalt, concrete, or vegetation. Exposed soil could be subject to erosion by wind and storm water runoff. The extent of erosion that could occur varies depending on soil type, vegetation/cover, and weather conditions. Concentrated water erosion, if not managed or controlled, could eventually result in significant soil loss and/or discharging of sediment into utilities, roads, and/or Mission Creek in the northern part of the project site. Sediment from project-induced erosion could also accumulate in downstream drainage facilities, interfere with flow, and aggravate downstream flooding conditions.

The project applicant would be required to apply for a National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit), which involves preparing a Storm Water Pollution Prevention Plan (SWPPP) for all construction phases of the proposed project (see Hydrology and Water Quality for more information). This permit is required by the Regional Water Quality Control Board (RWQCB). The objectives of the SWPPP are to identify pollutant sources (such as sediment) that may affect the quality of storm water discharge and to implement Best Management Practices (BMPs) to reduce pollutants in storm water discharges. The applicant would be required to submit a Notice of Intent (NOI) to the RWQCB prior to the start of construction and provide a copy of the SWPPP at the job site at all times. At the end of each construction year (if applicable), the applicant would be required to submit an annual report to the RWQCB describing the performance of the prescribed BMPs and measures to correct BMPs that failed. Upon completion of the project, the applicant would be required to submit a Notice of Termination to the RWQCB to indicate that all phases of construction are complete. Implementation of the plan would start with the commencement of construction and would continue though completion of the project. Compliance with the SWPPP and the prescribed BMPs would reduce potential erosion of exposed soil and reduce potential erosion impacts. Therefore, erosion impacts during construction activities would be considered less than significant.

6.c **Less than Significant Impact with Mitigation Incorporation.** The project site is entirely underlain by geologic materials that are stable, evidenced by the fact that the materials are currently able to serve as a suitable foundation for the existing site components such as the school buildings, rectory, utilities, and roads. The project would not substantially alter the site's

topography. Implementation of **Mitigation Measure GEO-1** would make lateral spreading, subsidence, liquefaction, or collapse unlikely. Thus, the impact is considered less than significant.

6.d **Less than Significant with Mitigation Incorporation.** The proposed project would include a geotechnical evaluation of each building site location. As part of this investigation, the geotechnical engineer would evaluate the potential for expansive soils and provide recommendations as stated in **Mitigation Measure GEO-1**. Implementation of **Mitigation Measure GEO-1** would render the potential impact to less than significant.

6.e **No Impact.** The proposed project does not include any element that would require the need for a septic wastewater disposal system. The wastewater generated by the project would be handled by the city sewer system. Thus, there is no potential impact.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

DISCUSSION

7.a **Less than Significant Impact.** Based on the proposed use of the site, there is no indication that the proposed project would transport, use, or dispose of any significant quantities of hazardous substances or waste. Project operations would generate and involve the handling of general commercial/retail and household hazardous waste in small quantities These chemicals would include familiar materials such as toners, correction fluid, paints, lubricants, kitchen and restroom cleaners, pesticides and other maintenance materials. Therefore, the potential impact is less than significant.

7.b **Less than Significant Impact with Mitigation Incorporation.** As stated above, the proposed project would not transport, use or store significant quantities of hazardous materials. However, if any hazardous wastes were identified during construction, it would be transported by a licensed hazardous waste hauler to a disposal facility in accordance with regulations of the U.S. Environmental Protection Agency, the U.S. Department of Transportation, the Resource Conservation and Recovery Act (RCRA), and the State of California. For any RCRA wastes and California-regulated hazardous wastes, hazardous waste manifests would be prepared for transportation and disposal. For any California non-hazardous wastes, transportation and disposal would be documented on a non-hazardous waste manifest. Prior to construction, the proposed project would demolish two existing structures at the project site. These structures could potentially contain such hazardous materials as PCB-containing materials, asbestos containing materials (ACM) and lead-based paint (LBP). If present, demolition could disturb these hazardous materials, which would potentially affect the health of the workers and/or public. Implementation of **Mitigation Measures HAZ-1, -2,** and **-3** would make this impact less than significant**.**

Mitigation Measure HAZ-1: Suspected PCB-containing materials shall be identified prior to demolition activities, and if present, shall be removed and be disposed of by a licensed transportation and disposal facility in Class I hazardous waste landfill cells.

Mitigation Measure HAZ-2: Prior to demolition activities, the structures shall receive an ACM survey conducted by a licensed contractor. If present, then all ACM shall be removed and disposed of by a licensed Asbestos contractor in accordance with all applicable laws and regulations.

Mitigation Measure HAZ-3: The applicant and/or its contractor(s) shall perform a pre-demolition LBP survey prior to demolition of existing structures. Abatement of identified or suspected LBP shall occur prior to demolition or construction activities that would disturb

those materials. The applicant shall implement a lead-based paint abatement plan, which shall include the following components:

- **A Certified Project Designer shall develop an abatement specification.**
- **A site Health and Safety Plan, as needed.**
- **Containment of all work areas to prohibit off-site migration of paint chip debris.**
- **Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.**
- **Appropriately remove paint chips by vacuum or other approved method.**
- **Collection, segregation, and profiling waste for disposal determination.**
- **Appropriate disposal of all hazardous and non-hazardous waste.**

7.c **Less than Significant Impact.** The project is located within a quarter mile of the Queen of the Holy Rosary College and Ohlone College. However, as stated in 7.a, the proposed project would not involve the use, storage or transport of any hazardous materials in significant quantities that would impact the site or vicinity. Therefore, this impact is considered less than significant.

7.d **No Impact.** The project site is not found on any of the hazardous materials site lists pursuant to Government Code Section 65962.5 and the project is considered to have no impact.

7.e, f **No Impact.** There are no public or private airports within the vicinity of the proposed project. Hence, no impacts would occur with implementation of the project.

7.g **No Impact.** The proposed project is located on a site that is already developed and therefore it would not impair or interfere with an adopted emergency response plan. Therefore, no potential impact would occur.

7.h **No Impact.** The project site is located in a developed area with a mix of land uses. There are no wildlands located onsite, nor are there wildlands adjacent to the proposed project site. According to information compiled by the Association of Bay Area Governments (ABAG), there is only a moderate threat of wildfire at the proposed project. The new buildings would be required to comply with all applicable Fire Code and fire suppression systems, as required by the City Fire Marshal. Therefore, the potential impact is less than significant.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
8. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation of seiche, tsunami, or mudflow?	☐	☐	☐	☒

DISCUSSION

8.a,f Less than Significant Impact with Mitigation Incorporation. Grading and construction activities, especially during church construction, if unmanaged, can contribute to an increase in sediment and non-point source pollutants exiting the site in storm water runoff. Sediments

transport these substances which can be conveyed to receiving waters such as Lake Elizabeth. Although soil erosion associated with construction typically occurs on a short-term basis during construction, excess sediment loads may affect the water quality of Mission Creek if allowed to flow into the creek. Sediments and hazardous materials associated with construction equipment can also leave the site through storm water and sewer systems. During a storm, runoff is conveyed from a construction site to municipal storm water drainage facilities through onsite pavement gutters, culverts, surface drains, parking lots, and roof drains.

Construction activities associated with the proposed project would be subject to NPDES permit requirements for storm water management and discharges under Alameda County's jurisdiction. Thus, the project applicant will be required to apply for a NPDES General Construction Permit, which involves preparing a SWPPP for all construction phases of the proposed project. This permit is required by the RWQCB. The objectives of the SWPPP are to identify pollutant sources that may affect the quality of storm water discharge and to implement BMPs to reduce pollutants in storm water discharges. Compliance with the SWPPP and the prescribed BMPs would reduce potential water quality impacts during project construction to less-than-significant levels.

Increased intensity of urban uses and an increase in the amount of vehicular traffic through the site during project operation could degrade the quality of surface water runoff into Mission Creek and/or downstream utilities. The 2002 NPDES permit for Alameda County incorporates updated state and federal requirements related to the quantity and quality of storm water discharges from new development and redevelopment projects. In accordance with these updated requirements, new development and redevelopment projects are required to incorporate treatment measures and other appropriate source control, and site design features to reduce the pollutant load in storm water discharges and to manage runoff flows.

As stormwater discharges are regulated by the NPDES permit, the Alameda Countywide Clean Water Program has prepared the Draft Storm Water Management Plan for the fiscal years of July 2001 through June 2008 (Alameda Countywide Clean Water Program, 2001). This plan should be used as a guide for compliance by local residences, businesses, and municipalities with the NPDES permit, and thus, the goals of the federal Clean Water Act. The plan addresses the following major program areas: regulatory compliance, focused watershed management, public information/participation, municipal maintenance activities, new development and construction controls, illicit discharge controls, industrial and commercial discharge controls, monitoring and special studies, control of specific pollutants of concern, and local agency program areas with performance standards.

In addition to these established programs, the Mitigation Measures included in the Biological Resources discussion that require adequate set backs from Mission Creek, this Initial Study identifies **Mitigation Measures HYDRO-1** and **HYDRO-2** that would further reduce the potential for adverse water quality impacts to a less than significant level.

Mitigation Measure HYDRO-1: To help minimize the amount of pollutants entering the storm drain system, the applicant and/or its contractor(s) shall implement source control measures on project roadways and parking areas that shall include, but are not necessarily

limited to, regular street sweeping by mechanized equipment, proper clean-up of soil debris following landscape work or small scale construction, placement of adequate trash receptacles, regular trash collection, and the application of absorbent material on oil and fuel leaks from automobiles. Additionally, litter and debris that may accumulate on the project site shall be regularly collected and properly disposed.

Mitigation Measure HYDRO-2: The project shall use Integrated Pest Management techniques (methods that minimize the use of potentially hazardous chemicals for landscape pest control) to minimize the use of anti-fungal and anti-aphid and mite sprays, as recommended by the Alameda Countywide Clean Water Program. Only landscape chemicals approved by the U.S. Environmental Protection Agency (USEPA) shall be used at the site. The handling, storage, and application of potentially hazardous chemicals shall take place in accordance with all applicable laws and regulations. All landscaped areas shall be contoured so that runoff is collected and filtered prior to discharge.

8.b **Less than Significant Impact.** There is no active groundwater withdrawal in the immediate vicinity of the proposed project that is intended for municipal supply. The proposed project would not involve any withdrawal of groundwater nor introduce substantial areas of impervious surfaces that could cause a substantial interference with recharge. Therefore, no depletion of groundwater supplies would occur as a result of the project, and the proposed project would not interfere significantly with the amount of groundwater recharge. Therefore, this impact is considered less than significant.

8.c,d **Less than Significant.** The proposed project would not alter the existing Mission Creek. The project would alter the drainage pattern of the site by introducing an area of impervious surfaces with the construction of the church building and access road. In addition, the proposed parking lot, although it would be constructed as a pervious surface, would include a catch basin to drain into the proposed bioswale along the access road. Bioswales help to regulate stormwater flows and improve water quality from siltation. As stated in 8.a, the construction phase of the project would operate under a SWPPP that would include BMPs to manage erosion and potential siltation. The potential impact is therefore less than significant.

8.e **Less than Significant.** The proposed project does not include a substantial area of impervious surfaces. In addition, the proposed drainage elements, which include bioswales along the access road, Monticello Terrace, and along Mission Boulevard, would alternate attenuation of stormwater flows into the existing drainage system located along Mission Boulevard. Therefore, the potential impact is less than significant.

8.g-i **No Impact.** No residential housing would be built as part of the proposed project. The proposed building is located outside of the 100 year flood zone. Therefore, the potential impact would be less than significant.

8.j **No Impact.** The project area is not subject to seiches, tsunamis, or mudflows, and no impacts are anticipated.

		Less Than Significant		
	Potentially Significant	*With Mitigation*	*Less Than Significant*	*No*

Issues (and Supporting Information Sources):	*Impact*	*Incorporation*	*Impact*	*Impact*
9. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

DISCUSSION

9.a **Less than Significant Impact.** The proposed project involves the construction of a new church on a site already occupied by a church and its accompanying facilities. The proposed project would not divide an established community. Although the proposed project would require the demolish the existing rectory and relocate the future rectory to a location further east on the project site and the relocation of a private roadway, these actions would not result in the displacement of any housing or businesses. Because the project proposes uses that currently exist on the site, and given that development on the project site would not divide an established community, this impact is less than significant.

9.b **Less than Significant with Mitigation Incorporation.** The project site was rezoned to Planned Development in 2001 as part of the creation of the Mission San Jose (East) Planned District, in order to provide flexibility in land uses and development standards not normally allowed under other zoning districts, while at the same time allowing the City to steer development toward the objectives of the General Plan. The purpose of the P (Planned District) designation is to "encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mixed land uses, and/or varied dwelling types. The amenities and compatibility of P Districts is to be ensured through adoption of a precise site plan, showing proper orientation, desirable design character and compatible land uses."[17] The underlying zoning with which the proposed project must comply is Community Commercial (C-C) and the Hillside Combining Overlay District (H-1)**,** which allows for a maximum height of 30 feet and a maximum floor area ratio (FAR) of 0.50. However, for development in the Mission San Jose district the FAR is allowed to exceed 0.50.[18] Zoning also allows for institutional and residential uses. The City's Historic Architectural Review Board (HARB) and other approving bodies (i.e., Planning Commission and City Council) may make findings to allow for building heights up to 40 feet if the increased height enhances the historic character of the area or allows for a superior architectural design (Fremont, 1998).

[17] Fremont Municipal Code, Article 18.1, Sec. 8-21810.

[18] Fremont Municipal Code, Sec. 8-21104.

The purpose of the Historic Overlay District is to "identify the areas of the city which possess a unique historical character, and to preserve, enhance, promote and expand the cultural and historical identities, character and environments of such areas through the process of review of exterior architectural and other significant features of buildings and other structures to be erected or improved." In addition to the Historic Overlay District, the City has adopted the *Mission San Jose Historic Overlay District Design Guidelines and Regulations* to guide development toward maintaining the "historic village context" through building design and landscaping that is appropriate for the Mission San Jose District. The requirements of this document may supersede other City ordinances, including the Zoning Ordinance, when the two documents are inconsistent with each other. The guidelines provide designers with direction on features such as building massing, color, roofline, fenestration, and landscaping. For example, design guidelines that apply to the project area call for new development to be visually subordinate to the Mission San Jose and to use off-white or buff colors on stucco buildings to avoid competing with the white stucco of the Mission and museum.

The project site is also subject to the requirements of the Hillside Combining Overlay District (H-I). According the Zoning Ordinance, Article 18.2, Sec. 8-21820, the purpose of the Hillside Combining (H-I) District is "to promote and encourage the orderly development of hillside areas of the city by the application of regulations and requirements established to meet the particular problems associated with development of hillside areas." Hillside Combining Districts require new development to fit the contours of the site, as opposed to changing the land to fit the new development and restrict the maximum height for retaining walls to three feet (Sec. 8-21822.1(i)) and restrict foundation wall heights to no more than six feet from the finished floor elevation (Sec. 8-21822.1(f)).

The Mission San Jose (East) Planned District includes the area on the east side of Mission Boulevard just to the north of Mission Creek to Witherly Lane and encompasses the property to the east of St. Joseph's Catholic Church, Mission San Jose, and the Dominican Sisters complex. The main objectives of the Mission San Jose (East) Planned District, which are consistent with (and often drawn from) the goals of the General Plan for this area, include maintaining the "Village Main Street" character of Mission Boulevard through specific building design and landscaping guidelines (such as those stipulated in the *Design Guidelines and Regulations* document); ensuring that the Mission San Jose continues to be the focus of the area by requiring the design of future development to be subordinate to the mission complex; encouraging a mixture of residential and commercial development; providing parameters to permit expansion and improvement of existing institutional facilities (i.e., St. Joseph's Catholic Church); preserving open spaces in the area, specifically along Mission Creek; encouraging landscaping, specifically of traditional trees such as palm, olive and orchard trees; and meeting the circulation needs of pedestrians and vehicles.

The Mission San Jose (East) Planned District defines the project site as Area 1 and applies principles that are specific to this site. The principles are divided into the following categories: *General*; *Land Use*; *Cultural and Natural Resources*; *Circulation and Landscaping* and *Grading*. Most of the principles that are focus on the project site fall under the Cultural and Natural Resources section and specifically address Mission Creek, the palm trees lining Mission Creek,

and the Gallegos Estate grounds (i.e., carriage house), which are listed as a Primary Historic Resources in the General Plan. The principles that are specific to the site that relate to *Cultural and Natural Resources* include ensuring 100-foot set backs from Mission Creek for new development and consistency with the Secretary of the Interior's *Standards for Rehabilitation* for any project that would cause visible change to a character-defining element of the Planned District's cultural landscape. In addition, *Landscape and Grading* principles state that if Monticello Terrace is realigned, as it would be under the proposed project, it would be appropriate to provide historically based entry landscaping along its alignment.

The proposed project would be generally consistent zoning requirements of the site as it complies with use, height, and floor area ratio requirements. In accordance with the *Mission San Jose Planned District* and the *Design Guidelines and Regulations*, the proposed church would be visually subordinate and less prominent then the Mission San Jose. In addition, it would maintain the institutional and religious land uses on the site. The proposed church would reflect the character of the existing mission in façade, but be different in composition, scale, height, and orientation. Guidelines for development in the Planned District encourage rectilinear pedestrian plazas and buildings that are oriented toward Mission Boulevard. Although, the proposed project would not be oriented towards Mission Boulevard, it would provide an entry plaza on the landing at the church entrance. The plaza would be more elliptical, and although not an extension of the public pedestrian realm (i.e., adjacent to the sidewalk), the design would encourage public access with trees, light and special paving materials.

The General Plan requires a 100 foot setback be maintained from Mission Creek unless adequate mitigation is provided to protect the creek. The proposed project encroaches in to the setback area; however **Mitigation Measure BIO-2** would protect the creek from construction and development impacts.

The project would not adhere to all requirements of the *Development Policy for Hill Area* in that this would not maintain a slopes ratio of not more than 3:1 and that it would not design buildings to fit the site topography. As discussed in Geology (section 6), the proposed grading plan of the site would not significantly alter the topography of the sight such that seismic induced landslides would be considered likely. As required by local grading requirements, the exterior grading will be limited to three to one ratio slopes (some limited exceptions exist where in conflict with other planning requirements). In addition, the final grading will conform to applicable building code requirements and current engineering practices which mitigate the potential for landslides. Thus, the impact is considered less than significant.

Conflict with a General Plan or other relevant plans does not inherently result in a significant adverse impact on the physical environment. In addition, the proposed project would be subject to HARB, Planning Commission, and City Council review, which could bring the project more in line with design goals of the District. Therefore, the proposed project with implementation of **Mitigation Measure BIO-2** would not conflict with any adopted policy to protect the physical environment.

9.c **No Impact.** There is no Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) in place that applies to the project site or the immediate vicinity. The proposed project would therefore not conflict with any applicable HCP or NCCP and would not result in a significant adverse impact under CEQA with respect to an HCP or NCCP.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
10. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

DISCUSSION

10.a **Less than Significant Impact.** The proposed project site would be located entirely within an area designated as Mineral Resource Zone (MRZ) MRZ-4, indicating that there is inadequate information available for assignment to any other MRZ and thus is not designated as an area of significant mineral deposits (California Division of Mines and Geology, 1982). Since the project site is already mostly developed, future evaluation or designation of this area would not affect development of this project and therefore is a less than significant impact.

10.b **No Impact.** There are no operational mineral resource recovery sites in the project area. The project would therefore have no impact on a designated locally important mineral resource.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
11. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

DISCUSSION

11.a **Less than Significant Impact.** Potential noise impacts of the proposed project on the existing noise environment can be categorized as short-term effects resulting from construction activities. The proposed project would generate noise on a temporary basis during demolition of the rectory and construction of the proposed church and roadway. Construction noise would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise source and receptor. During construction, adjacent land uses, including residential uses, could experience a temporary increase in noise levels due to operation of construction equipment, trucks and use of backhoes for shallow foundation and utility trenches.

Operation of the proposed project would generate minimal, if any, increases in the noise environment, and would not be expected to expose persons to or generate noise levels in excess of existing ambient noise levels. The level of use would be comparable to existing activity allowed at St. Joseph Church, since the existing school would continue to operate. The project would not introduce significant additional traffic to the site, thereby eliminating the potential for significant traffic-generated noise increases (see Section 15, Transportation, for additional detail).

11.b **Less than Significant Impact.** The project would generate groundborne vibration and could generate groundborne noise during the construction phase (e.g., from jackhammers and other construction equipment). Typical building construction does not result in significant groundborne vibration or groundborne noise effects. The project would not require pile driving or other special construction techniques that would potentially cause groundborne vibration or groundborne noise.

11.c **Less than Significant Impact.** The proposed project would result in a level of use comparable to existing activity allowed at the St. Joseph Church and school site, and the project would not introduce additional significant new traffic volumes to the site. Therefore, the proposed project would not lead to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

11.d **Less than Significant with Mitigation Incorporation.** The proposed project would increase noise levels temporarily during the approximate nine-month construction phase from the use of trucks, the use of backhoes for shallow foundation and utility trenches, and a wheeled tractor and

other construction equipment. Implementation of **Mitigation Measure NOISE-1** would reduce potential noise impacts to less than significant.

Mitigation Measure NOISE-1: The project applicant shall require its contractors to muffle all equipment used for the project and to maintain it in good operating condition. All internal combustion engine-driven equipment shall be fitted with intake and exhaust mufflers that are in good condition. Additionally, construction activity at the project site would be limited to the hours of 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 6:00 pm on Saturdays. No construction activities would be permitted on Sundays or holidays. The City and/or its contractors shall post signs at the construction site that include permitted construction days and hours, a day and evening contact number for the job site and a day and evening contact number in event of problems.

11.e **No Impact.** The project is not located within an airport land use plan or within two miles of a public airport.

11.f **No Impact.** The project site is not within the vicinity of a private airstrip.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
12. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION

12.a **Less than Significant Impact.** The proposed project would not directly or indirectly induce substantial population growth. Although the project may increase the size of the congregation of St. Joseph's Catholic Church, new parishioners would most likely already live in Fremont or come from the surrounding area and would not move into the region as a result of a larger church. In addition, the proposed project would not result in the creation of a substantial number of new employees that would result in the need of new housing in the project site vicinity.

12.b-c **No Impact.** The proposed project would not displace any existing housing or people.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
13. PUBLIC SERVICES/UTILITIES -- Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒
b) Breach published national, state or local standards relating to solid waste or litter control?	☐	☐	☒	☐
c) Extend a sewer trunk line with capacity to serve new development?	☐	☐	☒	☐
d) Require major expansion of power, water, or communications facilities?	☐	☐	☒	☐

DISCUSSION

13.a **No Impact.** The project would not result in the need for or impact the ability of police and fire departments to provide adequate service to the project site and surrounding area. In accordance with standard City practices, the Fire Department would review project plans before permits are issued to ensure compliance with all applicable fire and building code standards and to ensure that adequate fire and life safety measures are incorporated into the project and that the project comply with all applicable state and city fires safety regulations (i.e., maintain 20 feet clear right-of-way and sprinklers). The project would incrementally increase the need for police services in the area, especially during construction. However it would not require the construction of new governmental facilities or physically altered government facilities. Therefore, the project would not result in a significant impact on the provision of fire or police protection services.

Moreover, the project would not displace existing parkland, nor would the project introduce any new students to the area's public school system. Because the project site includes a parochial K-8 school, it can be assumed that any direct increases in the population of the congregation that the expanded church could induce would be offset by the church's provision of onsite education services. Therefore, the proposed project would have no impact with respect to public services.

13.b-d Less than Significant. The proposed project would have a less than significant effect on water and sewer lines, and could require minimal expansion of power lines within utility trenches to the new church and future rectory. The public water main that currently exists under St. Joseph's Terrace would be relocated under the realigned Monticello Terrace, as requested by the Alameda Water District, in order to maintain its accessibility. PG&E would require the applicant to fill out an Application for Service as part of the undergrounding of utilities process. The redevelopment of the site would result in minimal increases in waste generation and minor utility expansion, and such increases would not substantially alter government facilities to serve the site.

In November 1999, the Alameda County Waste Management Authority Board endorsed a Model Construction & Demolition Ordinance requiring contractors to divert at least 50 percent of their construction waste materials from landfill. The project applicant will be required to prepare a plan/statement that discusses its handling of construction waste.

The Development Application process would require the proposed project to coordinate utility and service extensions with the appropriate provider, and therefore, the project's impact on public services and utilities the impact would be less than significant.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
14. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

DISCUSSION

14.a Less than Significant Impact. St. Joseph's Church is a publicly accessible religious institution that provides church and parochial education services to its congregation members who live throughout the South Bay. The proposed new church, rectory, and roadway at the site would not adversely impact nearby recreation or regional parks, such as the Mission Peak Regional Preserve that includes trailheads accessible from Ohlone College, about ¼-mile south of the project site. Therefore, the project would not have an impact on recreation facilities.

14.b No Impact. The proposed project would not result in an increase in permanent population that would result in the need for the construction or expansion of existing recreation facilities. Therefore, the proposed project would not impact recreational facilities.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
15. TRANSPORTATION / TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Result in inadequate parking capacity?	☐	☒	☐	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐

DISCUSSION

Roadway Network

Regional access to the project site is provided by Interstate 680 (I-680) and Mission Boulevard, while local access is provided via Washington Boulevard and St. Joseph's Terrace. The project site location and surrounding local roadway network is presented in **Figure 15.1**.

I-680 is a six-lane freeway in the vicinity of the project site. It provides access to the project site via interchanges at Mission Boulevard or Washington Boulevard. The section of I-680 in the project vicinity is six lanes (including one designated High Occupancy Vehicle (HOV) lane in each direction). I-680 extends northward through Fremont and the San Ramon Valley to its terminus at I-80 and southward to its terminus in central San Jose where it become I-280.

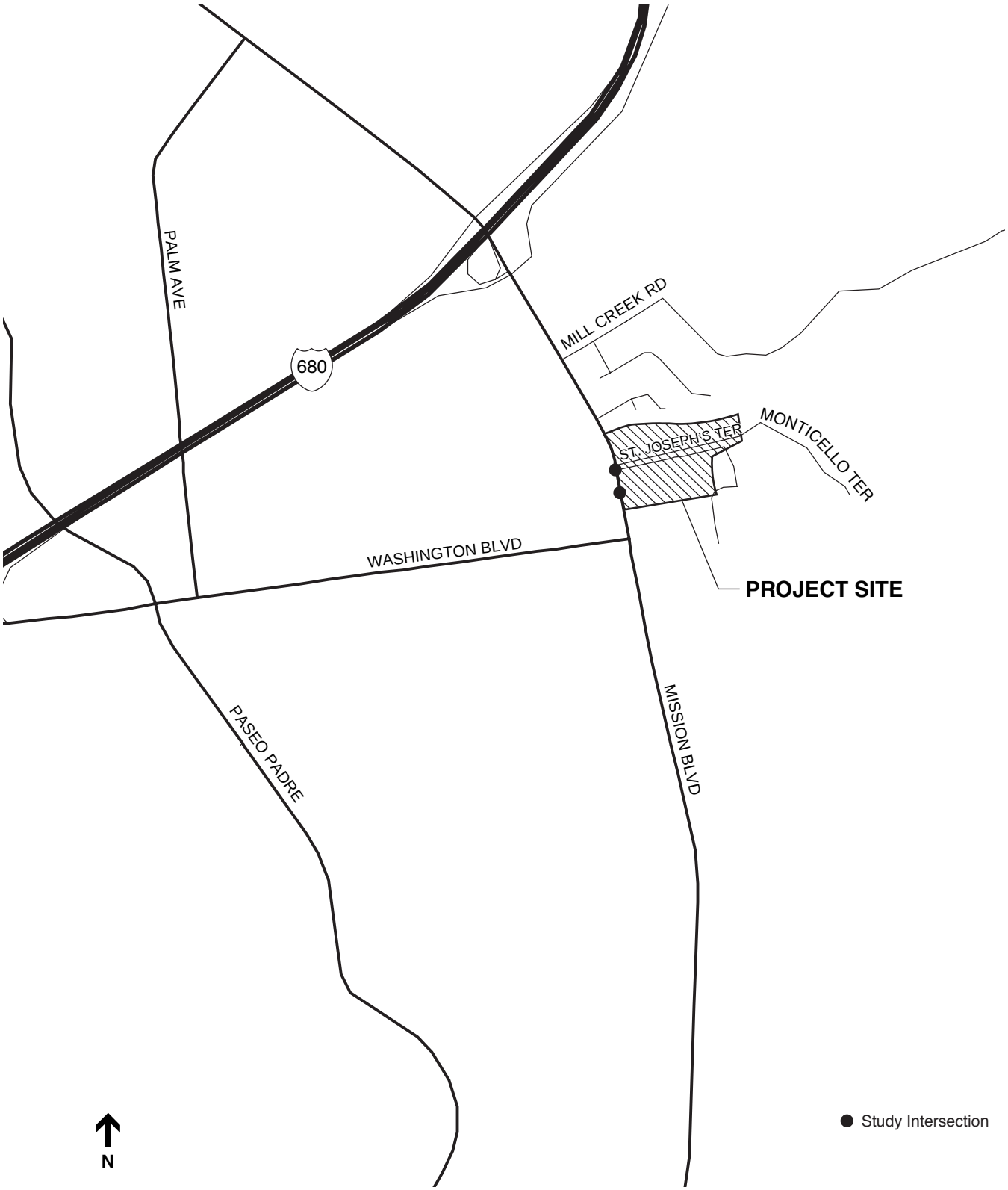
Mission Boulevard, through Fremont, is generally a six-lane undivided arterial with left-turn lanes at intersections. The roadway is signalized at all major cross streets. Mission Boulevard is designated State Route 238 (SR 238) from I-680 in Fremont to SR 61 near San Lorenzo via Hayward. Mission Boulevard has an interchange with I-680 and has an average daily traffic (ADT) volume of 14,900 vehicles adjacent to the project site (City of Fremont, 2003).

Mission Boulevard has three lanes (two travel lanes and a center two-way left-turn lane) along the project frontage, with an approximate right-of-way width of 49 feet immediately adjacent to the main church driveway. It tapers to two lanes, and a minimum of width of 30 feet, just north of the existing St. Joseph's Terrace intersection. There are existing sidewalks and five-foot bike lanes on both sides of the street. On-street parallel parking is allowed only on the east side of the roadway (adjacent to the church property). The posted speed limit is 35 miles per hour (mph), but 25 mph when children are present.

Washington Boulevard is a four-lane, undivided arterial that runs east-west. Washington Boulevard has an interchange with I-680 and has an ADT of 13,200 vehicles (City of Fremont, 2003). The roadway is posted at 35 mph and is signalized at intersections with major cross streets.

St. Joseph's Terrace/Monticello Terrace is a two-lane private road that extends eastward from its intersection with Mission Boulevard to its terminus past the project site. The roadway is posted at 25 mph and has signalized school warning signs adjacent to the project site. St. Joseph's Terrace provides access to St. Joseph's Church and a small number of low-density residential properties. The first 100 feet $\pm$ of the road is divided by a raised center median. The eastbound lane is equipped with school markings, including school-crossing signs, a flashing-yellow light, and a speed bump.[19]

[19] The entire length of St. Joseph's Terrace would be realigned and renamed Monticello Terrace under the proposed project.



SOURCE: Environmental Science Associates

St. Joseph's Church / 204069 ■

Figure 15.1
Roadway Network and
Study Intersections

Existing Transit Service

The transit service near the project site is provided by Alameda-Contra Costa Transit (AC Transit). Route 217, which provides service between the Fremont Bay Area Rapid Transit (BART) Station and Milpitas, has a northbound and southbound stop on Mission Boulevard adjacent to the project. The bus stop for northbound Route 217 is located directly in front of the existing church sanctuary. Route 217 operates with 30-minute headways (6:00 a.m. to 10:00 p.m.) on weekdays, and with 60-minute headways (7:00 a.m. to 7:00 p.m.) on weekends (AC Transit, 2004).

Pedestrian and Bicycle Facilities

Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. The existing church site currently contains pedestrian facilities. Crosswalks exist on all approaches at the intersection of Mission Boulevard and Washington Boulevard. A sidewalk is provided along Mission Boulevard adjacent to the site and along separated pedestrian bridges over Mission Creek. The existing pedestrian structures over the creek are approximately eight to ten feet wide. The sidewalk meets ADA standards and has corner curbs with ADA ramps at the intersections.

Bicycle facilities include bike paths, bike lanes, and bike routes. Bike paths are paved trails that are separated from the roadways. Bike lanes are lanes on roadways that are designated for use by bicycles by striping, pavement legends, and signs. Bike routes are roadways that are designated for bicycle use with signs, but no separate lane width. Within the vicinity of the project site, there are bike lanes on Mission Boulevard along the project frontage. The bicycle lanes end just north of the creek bridge and resume after the interchange with I-680. Washington Boulevard is a signed bicycle route from Mission Boulevard to its interchange with I-680.

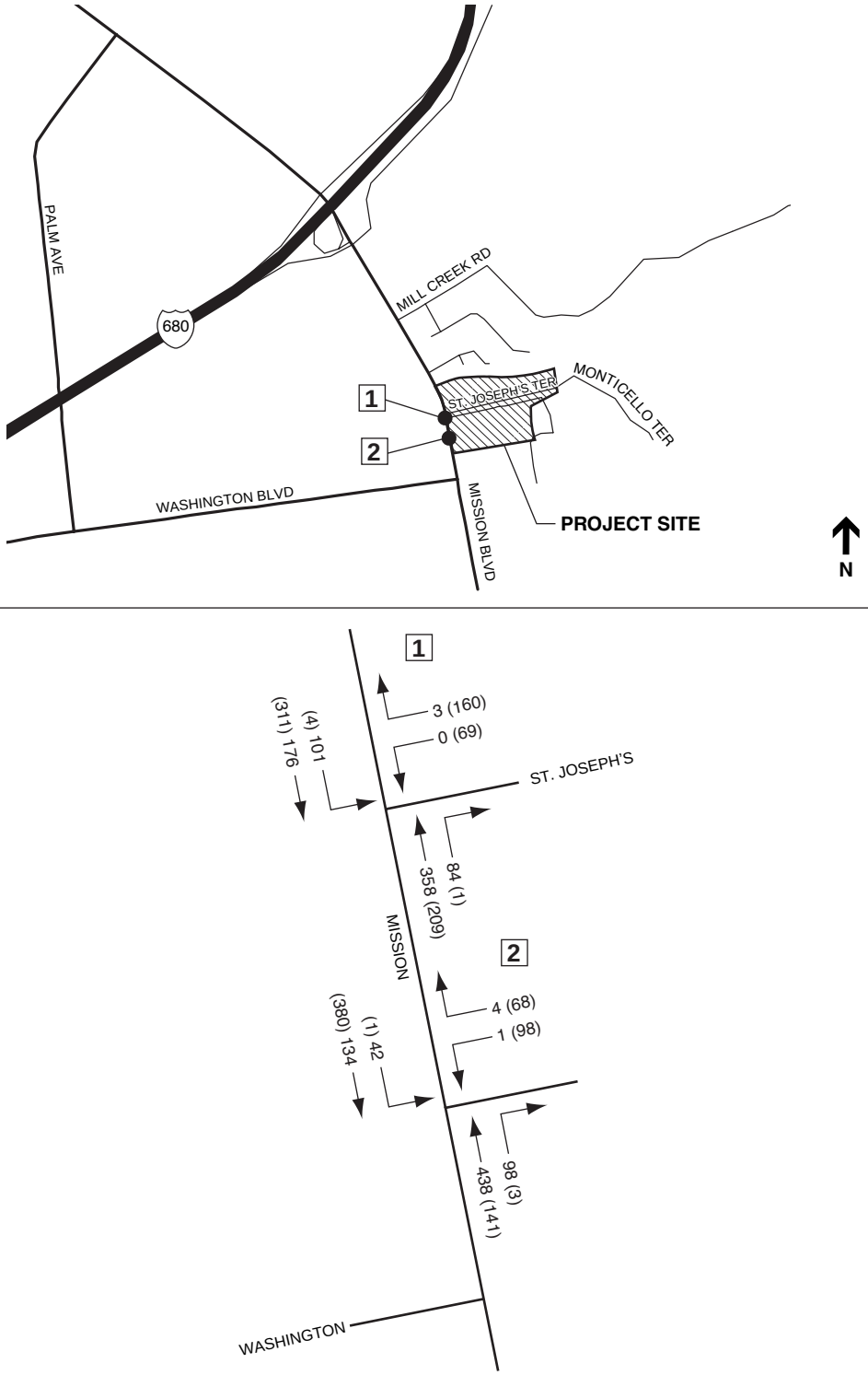
Existing Traffic Volumes and driveway Configurations

Turning movement counts for the church driveways were conducted in March 2002 on a Sunday from 8:30 a.m. to 10:30 a.m. to capture traffic volumes generated by the 9:00 a.m. and 11:00 a.m. masses held at the project site. Those counts were conducted for a technical study authored by TJKM Transportation Consultants (TJKM, 2002). The existing peak-hour traffic volumes at the driveways are shown on **Figure 15.2**.

Significance Criteria

According to Appendix G of the CEQA *Guidelines*, a project that would "cause an increase in traffic that is substantial relative to existing traffic load and capacity of the street system" may be deemed to have a significant adverse impact on the environment (Governor's Office of Planning and Research, 1999).

For the purpose of this analysis, the project would be considered to cause a significant impact if project-generated traffic would cause an increase in traffic safety hazards on area roadways, or if parking supply does not meet City of Fremont Code requirements or the estimated parking demand.



EXISTING CHURCH TRAFFIC

Figure 15.2
Existing Conditions Turning Movement Volumes

IMPACT ANALYSIS

15.a,b **Less than Significant Impact.** The vehicle trip generation on Sundays for the proposed project is presented in **Table 15.1**. Vehicle trip generation for the proposed church expansion was estimated in part by conducting driveway counts at the existing St. Joseph's Church to measure the amount of traffic generated by the existing facility.

TABLE 15.1
PROJECT TRIP GENERATION

Land Use	Before Mass Peak Hour Trips			After Mass Peak Hour Trips		
	Total	**In**	**Out**	**Total**	**In**	**Out**
Proposed Church [a]	740	717	23	890	27	863
Existing Church [b]	-333	-325	-8	-404	-9	-395
Net New Trips	**407**	**392**	**15**	**486**	**18**	**468**

[a] Trip generation was based on 1,000-seat future Church; note that the current proposal is for the expanded church to have 850 seats.

[b] Driveway counts at the existing church were conducted between 8:30 am and 10:30 am Sunday March 10, 2002, to account for traffic from the 9:00 a.m. and 11:00 a.m. masses.

SOURCE: TJKM (2002)

The vehicle trips generated by the proposed project were assigned to the roadway system based on the directions of approach and departure discussed above. Vehicular access to the proposed project is from one full-access driveway and one ingress only driveway off Mission Boulevard and a egress only driveway off St. Joseph's Terrace. The estimated project-only volumes at the driveways are presented in **Figure 15.3**.

The peak hour for traffic generated by the proposed church expansion occurs outside the peak hour of adjacent street traffic on Mission Boulevard. The signalized intersection of Mission Boulevard and Washington Boulevard is operating at above acceptable conditions during the p.m. peak hour, the period when the intersection has the most traffic, therefore, it is expected that the intersection would operate at an acceptable level of service on a typical Sunday. In addition, church related trips are concentrated within the ten minutes before and after a scheduled service, making traffic congestion on Mission Boulevard predictable and short-term. Therefore, it is considered a less than significant impact.

Construction Period Impacts. Construction activities that would generate off-site traffic would include the initial delivery of construction vehicles and equipment to the project site, the

daily arrival and departure of construction workers, and the delivery of materials throughout the construction period, and removal of construction debris. Deliveries would include shipments of concrete, lumber, and other building materials for on-site structures, utilities (e.g., irrigation and plumbing equipment, electrical supplies), and paving and landscaping materials.

Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on any project roadways. The impact of construction-related traffic would be intermittent lessening of the capacities of project area streets because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. However, given the proximity of the project site to major arterials (Washington Boulevard, Mission Boulevard), and to I-680, construction trucks would have relatively easy and direct routes. Most construction traffic would be dispersed throughout the day. Thus, the temporary increase would not significantly disrupt daily traffic flow on any of the study area roadways.

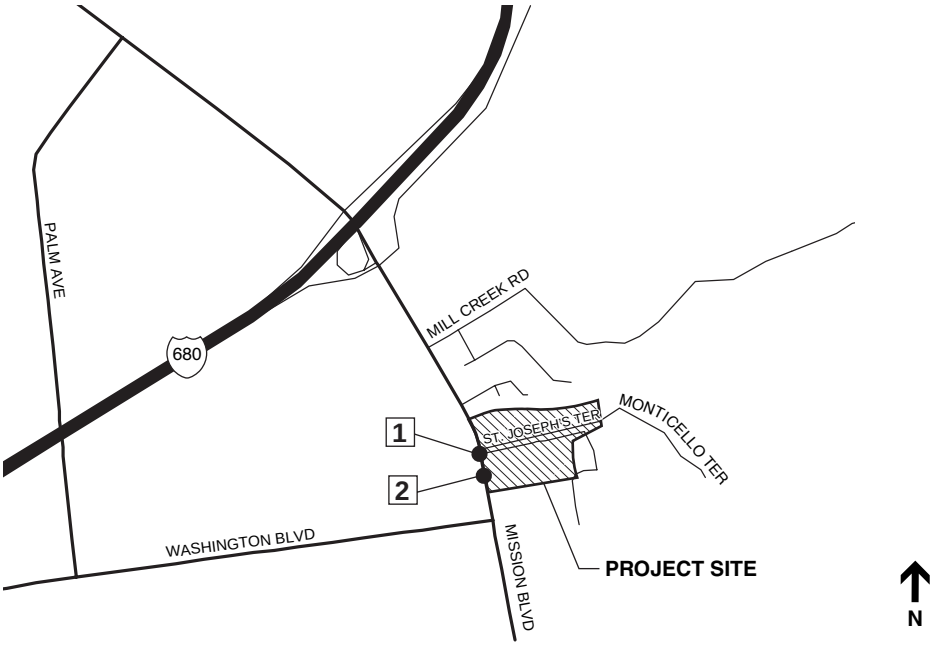
Although the impact would be less than significant, truck traffic could have some adverse effect on traffic flow in the study area. As such, the transport of construction materials and equipment should be limited to off-peak traffic periods. This measure should be incorporated by the City into the contract specifications documents to ensure implementation by the construction contractor(s).

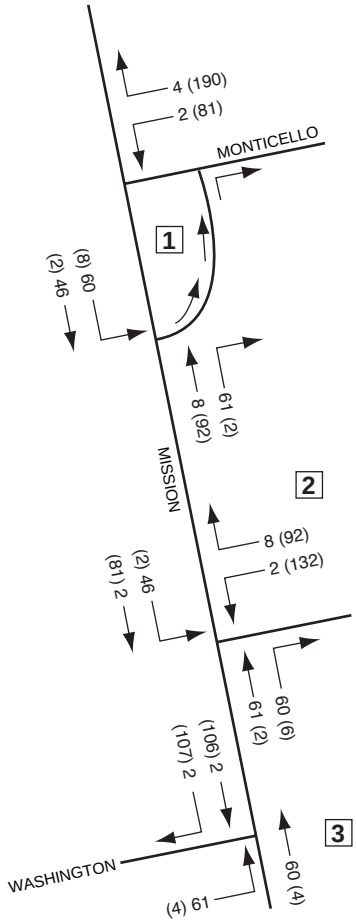
15.c **No Impact.** Expansion of the church facilities would not change air traffic patterns, increased air traffic levels or result in a change in location that would result in substantial safety risks. There would be no project effect.

15.d **Less Than Significant Impact.** The project would result in an increase in vehicle trips, as well as an increase in pedestrian traffic within the project site and on local roadways, and correspondingly, would increase the potential for interaction between these travel modes.

A sidewalk currently exists on Mission Boulevard adjacent to the project site. Pedestrian crosswalks are currently present at the intersection of Mission Boulevard and Washington Boulevard. A crosswalk would be painted across Monticello Terrace at Mission Boulevard. To further improve pedestrian circulation, a pedestrian walkway would be constructed from the sidewalk and all loading/unloading zones to the sanctuary entrance.

The nearest intersection to the project site is the signalized intersection of Mission Boulevard and Washington Boulevard, approximately 100 feet to the south. Push button actuated pedestrian signals with wheelchair ramps are provided at the intersection. The crosswalks are painted yellow due to their proximity to the St. Joseph Church school campus.





CHURCH TRAFFIC

SOURCE: Environmental Science Associates

St. Joseph's Church / 204069 ■

Figure 15.3
Project Trip Assignment

During field observations, church attendees were observed parking in the park-and-ride lot across Mission Boulevard from the church and crossing the street in an unchannelized manner. The pedestrians filtering across Mission Boulevard caused some minor delays for vehicles before and after mass. Because the City has a policy prohibiting painted crosswalks at mid-block locations, church officials would provide information to church attendees to encourage pedestrians to use the Mission Boulevard and Washington Boulevard signal to cross safely.

The project would include secure bicycle parking spaces onsite near the building entrances.

Vehicular access to the proposed church parking lot would be via one full-access driveway and one ingress only driveway on Mission Boulevard, and one egress only driveway at Monticello Terrace. The driveway widths would be a minimum of 20 feet in width to accommodate two-way traffic.

The maximum queues for the project driveway at Mission Boulevard and Monticello Terrace were calculated using an equation based on statistical analysis of observed queues at unsignalized intersections. The equation is based on roadway type, posted speed limit, proximity to signalized intersections, presence of a left-turn lane, and roadway volume. The queue calculation sheets and the methodology are on-file with the City of Fremont. The queuing analysis estimated that maximum queues at the St. Joseph's Terrance driveway under current conditions would be three vehicles (or 65 feet). [20] It is noted that a queue of this length was not observed during field visits; queues observed were no more than two vehicles. The queuing analysis estimated a maximum queue of four or five vehicles before a mass under project conditions at the proposed Monticello Terrace ingress driveway. This would require a queue pocket of 90 to 115 feet.

The queuing analysis indicates that the existing left-turn lane on Mission Boulevard at the proposed Monticello Terrace ingress driveway would be sufficient to accommodate estimated vehicular traffic.

One driveway provides full-access to the site from Mission Boulevard, and three full-access driveways provide access to the parking areas and access roads behind the main sanctuary from Monticello Terrace.[21] The existing Mission Boulevard full-access driveway has a designated ingress and egress curb-cut.

As part of the project, St. Joseph's Terrace would be abandoned and realigned north of the proposed sanctuary as Monticello Terrace. Monticello Terrace would intersect with Mission Boulevard at separate ingress and egress points. The ingress segment of the roadway would be located roughly 175 feet south of the egress segment, opening into an entry plaza before heading north in front of the proposed sanctuary. Monticello Terrace would connect with the egress segment roughly 60 feet east of Mission Boulevard. The egress would provide left- and right-turns onto Mission Boulevard. Raised median islands would be constructed along Mission

[20] Assumes 25 feet per vehicle with 15 feet for the first vehicle because a buffer is not needed.

[21] A full access driveway accommodates left turns and right turns in and out.

Boulevard to prohibit left-turns into Monticello Terrace. The proposed driveway configuration and alignment, including the median islands in Mission Boulevard, were designed to avoid significant traffic operational impacts.

The number of driveways is sufficient to accommodate the project traffic volumes generated by the church expansion.

Circulation and parking aisles serve two-way traffic and provide perpendicular parking spaces. The aisles are at least 24 feet wide, which is enough for maneuvering all types of passenger vehicles. There is an internal roadway that provides connection between the existing and proposed parking lots. The internal roadway has designated drop-off zones for the church and school. These zones should be marked with signs/pavement markings that make vehicles aware of pedestrian and loading activities. The internal roadway curbs would be painted red to prohibit stopping.

A circulation diagram should be provided to guardians of students who attend the school that shows recommended approaches and drop-off/pick-up zones.

With implementation of the above-described mitigation/improvements measures, there would be no apparent circulation design features that would create a traffic safety hazard or significantly increase the potential for conflicts between vehicles, pedestrians and bicycles.

15.e **Less Than Significant Impact.** St. Joseph's Church is located on Mission Boulevard, a major arterial roadway. The driveways as designed in the site plan would not result in inadequate emergency access. There would be no blockage of access or traffic pattern disturbance that would significantly affect emergency access. Red curbs would be used along interior roadways to provide sufficient access response time for emergency vehicles. The fire lane must be a minimum of 20 feet and must be kept clear at all times. The project's effect would be less than significant.

15.f **Less Than Significant with Mitigation Incorporation.** The City of Fremont requires one parking space for every five seats in a church sanctuary. The proposed sanctuary is 850 seats, thus requiring 170 parking spaces. In addition, the future parish offices include 4,356 square feet (sf) of assembly space and 15,267 sf of office space. The City requires one space for every 100 sf of assembly space and one space for every 300 sf of office space. Thus the future parish offices would require a total of 95 parking spaces (44 for the assembly space and 51 for the office space). The proposed project would require a total of 265 spaces.

ITE *Parking Generation* (2004) indicates that the average peak parking demand rate for a church is about 0.44 spaces for every attendee, thus the average peak demand for the project would be about 281 parking spaces.[22]

Across from the church on Mission Boulevard is a City parking lot which the church uses under an agreement from the City, as well as additional private spaces in office lots. Currently the

[22] This assumes an average 75 percent attendance rate on a Sunday that is not a holiday.

City lot is used to capacity during the peak Sunday masses. The church would still have access to the City lot across the street. There are approximately 135 off site parking spaces available on Sundays, for a total of 328 parking spaces.

The proposed on-site parking supply for the church is proposed to be 193 onsite spaces which falls short of the parking demand requires. Implementation of **Mitigation Measure TRANS-1** would reduce potential parking impact to less than significant.

Mitigation Measure TRANS-1: The project applicant shall continue to use the City owned lot across Mission Boulevard for off-street parking.

15.g **Less Than Significant Impact.** The project is located in an established neighborhood, and redevelopment of St. Joseph's Church would not conflict with adopted policies, plans, or programs supporting alternative transportation.

City documents concerning Mission Boulevard were reviewed as part of this transportation analysis. The *Mission San Jose Planned District* document allows for the realignment of St. Joseph's Terrace, but as stated on page 24 of that document, "new alignment must be consistent with principles for the preservation of Primary Historic Resources, including Mission Creek."

City policies for the project area also encourage shared driveways to minimize curb-cuts, parking areas to be located behind buildings, and visible pedestrian connections.

The potential for an increase in visitors and employees at the site could increase the use of public transportation. If warranted, St. Joseph's Church and the City would work with AC Transit to relocate the existing transit stop for Route 217, currently in front of the existing sanctuary on the project side, to a location along the project frontage that would not conflict with project traffic movements (i.e., vehicles queuing to make right-hand turns into Monticello Terrace). The relocation of the transit stop could reduce operational conflicts between vehicles and encourage use of alternative transportation, by making the stop more visible. The project's effect would be less than significant.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
16. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐

b) Does the project have impacts that are individually limited, but cumulative considerable? ("Cumulative considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

DISCUSSION

16.a Less than Significant with Mitigation Incorporation. Based upon background research, site reconnaissance, and the project description, the project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Any potential short-term increases in potential effects to the environment during construction are mitigated to a less than significant level, as described throughout the Initial Study.

16.b Less than Significant Impact. In accordance with CEQA Guidelines Section 15183, the environmental analysis in this Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. No project-specific significant effects peculiar to the project or its site were identified that could not be mitigated to a less than significant level. The proposed project would contribute to environmental effects in the areas of aesthetic and biological resources (e.g., loss of trees), temporary increases in construction-generated dust and noise, temporary increase in sedimentation and water quality effects during construction, potential geology/seismic considerations with new development, and parking impacts. Mitigation measures incorporated herein mitigate any potential contribution to cumulative impacts associated with these environmental issues. Therefore, the proposed project does not have impacts that are individually limited, but cumulatively considerable.

16.c Less than Significant with Mitigation Incorporation. The project may have significant adverse effects on human beings in the areas of air quality, noise and traffic during construction, and with geologic/seismic considerations with new development. Mitigation measures identified in the relevant sections of this Initial Study would reduce the effects to a less than significant level.

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